

Volume 44, Number 13
Pages 1791–1988
July 1, 2019

SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



JOHN R. ASHCROFT
SECRETARY OF STATE

MISSOURI REGISTER

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The *Missouri Register* is published semi-monthly by

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ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are available on the Internet. The Register address is www.sos.mo.gov/adrules/moreg/moreg and the CSR is www.sos.mo.gov/adrules/csr/csr. These websites contain rulemakings and regulations as they appear in the paper copies of the Registers and CSR. The Administrative Rules Division may be contacted by email at rules@sos.mo.gov.

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IN THIS ISSUE:

EMERGENCY RULES

Department of Health and Senior Services	
Division of Regulation and Licensure	1795

EXECUTIVE ORDERS

PROPOSED RULES

Department of Conservation	
Conservation Commission	1832
Department of Natural Resources	
Air Conservation Commission	1872
Department of Public Safety	
Missouri Gaming Commission	1872
Elected Officials	
Treasurer	1874
Department of Health and Senior Services	
Division of Regulation and Licensure	1875
Department of Insurance, Financial Institutions and Professional Registration	
Missouri State Board of Accountancy	1936

ORDERS OF RULEMAKING

Office of Administration	
Commissioner of Administration	1939
Personnel Advisory Board and Division of Personnel	1939
Department of Conservation	
Conservation Commission	1940
Department of Elementary and Secondary Education	
Division of Learning Services	1942
Department of Mental Health	
Director, Department of Mental Health	1943
Certification Standards	1944
Division of Developmental Disabilities	1944

Department of Public Safety

Missouri State Highway Patrol	1944
Missouri State Water Patrol	1946

Department of Revenue

Director of Revenue	1947
---------------------	------

Department of Social Services

Division of Finance and Administrative Services	1947
---	------

Department of Insurance, Financial Institutions and Professional Registration

Office of Athletics	1947
State Board of Nursing	1953
Real Estate Appraisers	1954
State Committee for Social Workers	1955

IN ADDITIONS

Department of Health and Senior Services

Missouri Health Facilities Review Committee	1956
---	------

Periodic Rule Review

Department of Insurance, Financial Institutions and Professional Registration	1957
Missouri Consolidated Health Care Plan	1957

DISSOLUTIONS

SOURCE GUIDES

RULE CHANGES SINCE UPDATE	1964
EMERGENCY RULES IN EFFECT	1974
EXECUTIVE ORDERS	1976
REGISTER INDEX	1977

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
March 1, 2019 March 15, 2019	April 1, 2019 April 15, 2019	April 30, 2019 April 30, 2019	May 30, 2019 May 30, 2019
April 1, 2019 April 15, 2019	May 1, 2019 May 15, 2019	May 31, 2019 May 31, 2019	June 30, 2019 June 30, 2019
May 1, 2019 May 15, 2019	June 3, 2019 June 17, 2019	June 30, 2019 June 30, 2019	July 30, 2019 July 30, 2019
June 3, 2019 June 17, 2019	July 1, 2019 July 15, 2019	July 31, 2019 July 31, 2019	August 30, 2019 August 30, 2019
July 1, 2019 July 15, 2019	August 1, 2019 August 15, 2019	August 31, 2019 August 31, 2019	September 30, 2019 September 30, 2019
August 1, 2019 August 15, 2019	September 2, 2019 September 16, 2019	September 30, 2019 September 30, 2019	October 30, 2019 October 30, 2019
September 2, 2019 September 16, 2019	October 1, 2019 October 15, 2019	October 31, 2019 October 31, 2019	November 30, 2019 November 30, 2019

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at www.sos.mo.gov/adrules/pubsched.

HOW TO CITE RULES AND RSMO

RULES

The rules are codified in the *Code of State Regulations* in this system–

Title		Division	Chapter	Rule
3	CSR	10-	4	.115
Department	<i>Code of State Regulations</i>	Agency Division	General area regulated	Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 3 CSR 10-4.115 NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

Code and Register on the Internet

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is www.sos.mo.gov/adrules/csr/csr

The *Register* address is www.sos.mo.gov/adrules/moreg/moreg

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2016. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

EMERGENCY RULE

19 CSR 30-95.010 Definitions

PURPOSE: This rule defines terms used in Chapter 95.

*EMERGENCY STATEMENT: This emergency rule informs the public of the definitions applicable to Chapter 95. This rule is necessary to comply with Article XIV, Section 1 of the *Missouri Constitution*, which became effective on December 6, 2018. Article XIV requires that the department make available to the public application forms and instructions for qualifying patient, primary caregiver, and patient cultivation identification cards, as well as for medical marijuana cultivation, testing, dispensary, and infused products manufacturing facilities. In order to make available the forms and instructions for all of these types of applications, it is necessary to promulgate rules for the processes and regulatory functions related to these applications. Without such rules, the department will be unable to efficiently regulate and control the cultivation, manufacturing, and sale of marijuana for medical use or provide a mechanism and regulatory structure through which qualified patients and their caregivers may access medical marijuana. As a result, the department finds a compelling governmental interest in promoting the health and*

*safety of Missouri residents who wish to use marijuana for medical purposes, requiring this emergency action. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed May 24, 2019, becomes effective June 3, 2019, and expires February 27, 2020.*

(1) “Administer” means the direct application of marijuana to a qualifying patient by way of any of the following methods:

(A) Ingestion of capsules, teas, oils, and other marijuana-infused products;

(B) Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils;

(C) Application of ointments or balms;

(D) Transdermal patches and suppositories;

(E) Consuming marijuana-infused food products; or

(F) Any other method recommended by a qualifying patient’s physician.

(2) “Affiliate” means any entity effectively controlling or controlled by another entity or associated with other entities under common ownership or control, including a parent or subsidiary.

(3) “Batch” means a specifically identified quantity of medical marijuana, from immature plant stage to harvest, that is uniform in strain and cultivated utilizing the same growing practices.

(4) “Canopy space” means a space measured from the outermost point of a mature flowering plant in a designated growing area and continuing around the outside of all mature flowering plants in that designated growing area but not including space allocated for walkways or ancillary equipment. This space may be spread over a single level or multiple levels.

(5) “Church” means a permanent building primarily and regularly used as a place of religious worship.

(6) “Daycare” means a child-care facility, as defined by section 210.201, RSMo, that is licensed by the state of Missouri.

(7) “Department” means the Department of Health and Senior Services, or its successor agency.

(8) “Disqualifying felony offense” means a violation of, and conviction of or guilty plea to, state or federal law that is, or would have been, a felony under Missouri law, regardless of the sentence imposed, unless the department determines that—

(A) The person’s conviction was for the medical use of marijuana or assisting in the medical use of marijuana;

(B) The person’s conviction was for a non-violent crime for which he or she was not incarcerated and that is more than five (5) years old; or

(C) More than five (5) years have passed since the person was released from parole or probation, and he or she has not been convicted of any subsequent criminal offenses.

(9) “Dried, unprocessed marijuana or its equivalent” means the marijuana flower after it has been cured and trimmed or its equivalent amount of marijuana concentrate or tetrahydrocannabinol (THC). For purposes of purchase and possession limitations, one (1) ounce of dried, unprocessed marijuana is equivalent to eight (8) grams of medical marijuana concentrate or eight hundred (800) milligrams of THC

in infused products.

(10) "Economic interest" means rights to either the capital or profit interests therein, or a combination thereof; or, in the case of a corporation, rights to some portion of all classes of outstanding stock of the corporation.

(11) "Elementary or secondary school" means any public school as defined in section 160.011, RSMo, or any private school giving instruction in a grade or grades not higher than the twelfth grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.

(12) "Enclosed, locked facility" means—

(A) An indoor stationary closet, room, garage, greenhouse, or other comparable fully enclosed space equipped with locks or other functioning security devices that permit access to only the qualifying patient(s) or primary caregiver(s) who have informed the department that this is the space where they will cultivate marijuana; or

(B) An outdoor stationary structure—

1. That is enclosed on all sides, except at the base, by chain-link fencing, wooden slats, or a similar material that is anchored, attached, or affixed to the ground and that cannot be accessed from the top;

2. In which the plants are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure at any level; and

3. That is equipped with locks or other security devices that restrict access to only the qualifying patient(s) or primary caregiver(s) who have informed the department that this is the space where they will cultivate marijuana.

(13) "Entity" means a natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

(14) "Flowering plant" means a marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

(15) "Harvest lot" means a specifically identified quantity of marijuana that is uniform in strain, cultivated utilizing the same growing practices, harvested within a seventy-two- (72-) hour period at the same location, and cured under uniform conditions.

(16) "Identification card" means a document, whether in paper or electronic format, issued by the department that authorizes a qualifying patient, primary caregiver, or employee or contractor of a licensed facility to access medical marijuana as provided by law.

(17) "Liquid capital" means any asset in the form of cash or that can be converted into cash quickly with little or no loss in value, including stocks and marketable securities, government bonds, mutual funds, money market funds, and certificates of deposit.

(18) "Majority owned" means more than fifty percent (50%) of the economic interests and more than fifty percent (50%) of the voting interests of an entity, including any parent and subsidiary entities.

(19) "Marijuana" or "Marihuana" means *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. "Marijuana" or "Marihuana" does not include industrial hemp containing a crop-wide average tetrahydro-

cannabinol concentration that does not exceed three-tenths of one percent (0.3%) on a dry weight basis, or commodities or products manufactured from industrial hemp.

(20) "Marijuana-infused products" means products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures, and concentrates.

(21) "Medical marijuana cultivation facility" means a facility licensed by the department, to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

(22) "Medical marijuana dispensary facility" means a facility licensed by the department, to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.

(23) "Medical marijuana-infused products manufacturing facility" means a facility licensed by the department, to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.

(24) "Medical marijuana testing facility" means a facility certified by the department to acquire, test, certify, and transport marijuana.

(25) "Medical marijuana transportation facility" means a facility certified by the department to transport marijuana to a qualifying patient, a primary caregiver, a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another medical marijuana-transportation facility.

(26) "Medical use" means the production, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product, or drug paraphernalia used to administer marijuana or a marijuana-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient's qualifying medical condition.

(27) "Non-emancipated qualifying patient" means a qualifying patient under the age of eighteen (18) who has not been emancipated under Missouri law.

(28) "Physician" means an individual who is licensed and in good standing to practice medicine or osteopathy under Missouri law.

(A) A license is in good standing if it is registered with the Missouri Board of Healing Arts as current, active, and not restricted in any way, such as by designation as temporary or limited.

(B) Practice of medicine or osteopathy means practice by persons who hold a physician and surgeon license pursuant to Chapter 334, RSMo, including those who are admitted to practice in Missouri by reciprocity pursuant to 334.043, RSMo.

(29) "Physician certification" means a document, whether handwritten, electronic, or in another commonly used format, signed by a physician and stating that, in the physician's professional opinion, the patient suffers from a qualifying medical condition.

(30) "Primary caregiver" means an individual twenty-one (21) years of age or older who has significant responsibility for managing the

well-being of a qualifying patient and who is designated as such on the primary caregiver's application for an identification card under this section or in other written notification to the department.

(31) "Principal officers or managers" means persons who, regardless of title, have responsibility for supervising the management, administration, or operation of an entity, including, but not limited to: presidents, vice presidents, or general counsels; chief executive, financial, or operating officers; general partners, managing partners, or controlling partners; managing-members; or trustees.

(32) "Process lot" means, once production is complete, any amount of medical marijuana concentrate or extract of the same type and processed using the same extraction methods, standard operating procedures, and harvest lots; or any amount of medical marijuana infused product of the same type and processed using the same ingredients, standard operating procedures, and harvest lots.

(33) "Public place" means any public or private property, or portion of public or private property, that is open to the general public, including, but not limited to, sidewalks, streets, bridges, parks, schools, and businesses. However, for purposes of designating a non-public place within a public place, the owner or entity with control of any such property may, but is not required to, provide one (1) or more enclosed, private spaces where one (1) qualifying patient and, if required by the owner or entity with control of any such property, a representative of such owner or entity, may congregate for the qualifying patient to consume medical marijuana. The qualifying patient may be accompanied by the family of the qualifying patient, the qualifying patient's primary caregiver, and/or the qualifying patient's physician. The owner or entity with control of any such property may provide such a space by individual request or designate such a space for ongoing use and may limit use of medical marijuana in that space to uses that do not produce smoke. Any such permission shall be given in writing and provided to the qualifying patient or publicly posted prior to a qualifying patient's use of medical marijuana in that space.

(34) "Qualifying medical condition" means the condition of, symptoms related to, or side-effects from the treatment of—

- (A) Cancer;
- (B) Epilepsy;
- (C) Glaucoma;
- (D) Intractable migraines unresponsive to other treatment;

(E) A chronic medical condition that causes severe, persistent pain or persistent muscle spasms, including, but not limited to, those associated with multiple sclerosis, seizures, Parkinson's disease, and Tourette's syndrome;

(F) Debilitating psychiatric disorders, including, but not limited to, post-traumatic stress disorder, if diagnosed by a state-licensed psychiatrist;

(G) Human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS);

(H) A chronic medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, when a physician determines that medical use of marijuana could be effective in treating that condition and would serve as a safer alternative to the prescription medication;

(I) Any terminal illness; or

(J) In the professional judgment of a physician, any other chronic, debilitating or other medical condition, including, but not limited to, hepatitis C, amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn's disease, Huntington's disease, autism, neuropathies, sickle cell anemia, agitation of Alzheimer's disease, cachexia, and wasting syndrome.

(35) "Qualifying patient" means a Missouri resident diagnosed with at least one (1) qualifying medical condition.

(36) "Seed-to-sale tracking system" means a software system, including the statewide track and trace system, designed to perform functions necessary to fulfill a licensed or certified facility's responsibilities in tracking medical marijuana from either the seed or immature plant stage until the medical marijuana is sold to a qualifying patient or primary caregiver.

(37) "Signature" means a handwritten or electronic signature.

(38) "Statewide track and trace system" means the system the department uses to track medical marijuana from either the seed or immature plant stage until the medical marijuana is sold to a qualifying patient or primary caregiver to ensure that all medical marijuana sold in Missouri was cultivated or manufactured in Missouri, that all medical marijuana cultivated or manufactured in Missouri is sold only by dispensaries and only to individuals in possession of a valid qualifying patient or primary caregiver identification card, and that any given qualifying patient or primary caregiver is only purchasing the amount of medical marijuana he or she is approved to purchase at any given time.

(39) "Substantially common control, ownership, or management" means—

(A) The possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of an entity, by any means, including ownership, contract, financing, or otherwise;

(B) The legal or beneficial ownership, directly or indirectly through ownership of an affiliate entity, of ten percent (10%) or more of an entity's outstanding voting stock or other ownership interest;

(C) The ownership, directly or indirectly through the ownership of an affiliate entity, of a majority of the capital assets, real property assets, or leasehold interests; or

(D) The ability to make policy decisions, operating decisions, or decisions regarding the allocation of income and expenses for the entity, whether directly or by a management agreement.

AUTHORITY: Sections 1.3.(1)(b), 1.3.(2), 1.3.(3), and 1.3.(4) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 30—Division of Regulation and Licensure Chapter 95—Medical Marijuana

EMERGENCY RULE

19 CSR 30-95.025 Generally Applicable Provisions

PURPOSE: The Department of Health and Senior Services has the authority to promulgate rules for the enforcement of Article XIV, Section 1 of the Missouri Constitution. This rule explains what general provisions are necessary for the enforcement of the Article.

EMERGENCY STATEMENT: This emergency rule informs the public of how the department will implement Article XIV, Section 1 of the Missouri Constitution. Article XIV was approved by the voters on November 6, 2018, effectively establishing an entirely new regulated industry in Missouri. The regulatory responsibilities for this new industry were assigned to the department with several important, mandated deadlines:

- June 4, 2019, is the deadline for the department to provide all application forms and instructions for patients, patient caregivers, and medical marijuana businesses.
- July 4, 2019, is when the department must begin accepting applications for patients and patient caregivers to purchase

- medical marijuana and to cultivate medical marijuana.
- August 3, 2019, is when the department must begin accepting applications for medical marijuana business licenses and certifications, including certifications for ancillary services related to transportation and seed-to-sale.
- December 31, 2019, is the deadline by which the department must begin approving or denying business applications.

The actions the department must take for each of these deadlines necessitate that the department have its regulatory processes and requirements designed and made public. Individuals must know what will be required of them as patients and caregivers before they can decide whether they want to apply, and they must know how to apply. The department must have a regulatory scheme in order to communicate these things to patient and caregivers on June 4. Businesses must know what will be required of them as regulated entities in order to determine whether they want to invest the considerable amount of capital necessary to apply for a license or certification, much less invest what is necessary to build a business if awarded a license, and they must know how to apply for that license. The department must have a fully fleshed out regulatory scheme in order to communicate these things to businesses on August 3. Finally, while December 31, 2019, is the deadline for the department to being awarding licenses, practically and legally, licenses may be granted as early as October 2019.

It is important to understand that per Article XIV, starting thirty days after July 4, patients and caregivers may possess and cultivate marijuana whether or not the department has issued regulations. Without a regulatory scheme, the department would not be able to fulfill its Constitutional duties, such as the duty to monitor and enforce patient purchase and possession limitations or the duty to monitor and enforce home cultivation limitations. Furthermore, on whatever date the department issues its first business license, whether December 31, 2019, or earlier, the licensed entity has a constitutional right to do certain things, such as cultivate, manufacture, and sell medical marijuana, and may do so whether or not the department had issued regulations for the operation of these business. Without a regulatory scheme for these and a multitude of other industry activities, the department would not be able to fulfill its Constitutional duties, such as the duty to ensure that all medical marijuana sold in Missouri is produced in Missouri and the duty to ensure that only Missouri residents are purchasing medical marijuana.

Article XIV is full of rights and duties, all of which require a regulatory scheme and none of which are separable from the others in such a way as to allow one regulatory scheme now and another or additional scheme later. The entire essential body of regulations must be known on June 4 when the department must make public the application forms and instructions. So, considering this timeline, the department had no choice but to file emergency rules before June 4 to regulate the startup and initial operation of the medical marijuana industry. Failing to do so would have endangered the public health, safety, and welfare by allowing the introduction of unregulated medical marijuana into Missouri. The department and the state of Missouri have a compelling governmental interest in ensuring safe access to medical marijuana for patients and in the proper regulation and control of the medical marijuana industry, all of which require a regulatory scheme.

Section 536.025.1(2) – Fairness to all

In order to establish an emergency rule, a state agency must follow “procedures best calculated to assure fairness to all interested persons and parties under the circumstances.” The process the department established for this draft rulemaking was transparent and collaborative.

Cognizant of the lack of opportunity for public input that would result from establishing an initial regulatory system by emergency rule, the department went to great lengths to gather public input throughout its drafting process. The department began issuing draft rules on its website on February 21, 2019, and has continued to post

new drafts and revisions of those drafts in waves in order to make public the incorporation of the feedback it received. The first drafts of facility-related rules were posted on March 15, 2019. The department also created a portal on its website through which anyone could submit comments and suggestions for the draft rules and through which it has received over six hundred comments. The department held public forums across Missouri to gather input on what should and should not be included in the regulations. Finally, in order to seek public and expert input on one of the most complex regulatory issues presented by Article XIV – the application scoring system – the department organized a series of public meetings with governmental and private industry experts to assist in designing the scoring system under the Constitutional guidelines. The process for drafting these emergency rules was transparent, and in effect, allowed for a rolling comment period that was three months.

Section 536.025.1(3) – Constitutional protections

Emergency rulemaking must follow “procedures which comply with the protections extended by the Missouri and United States Constitutions.” The department’s emergency rules do not violate any Constitutional protections. On the contrary, the department’s rules are designed to effectuate newly establish protections extended by Article XIV of the *Missouri Constitution*, such as the right of a patient to access marijuana for medical use under certain circumstances, the right of physicians to discuss with and recommend to certain patients the medical use of marijuana, and the right of a host of other professionals to participate in the design, implementation, and operation of medical marijuana businesses.

Section 536.025.1(4) – Limitation of scope

Emergency rules must be limited in scope to “the circumstances creating an emergency and requiring emergency action.” The department has done exactly this in limiting its emergency rules to only what is essential for the initial startup of this new regulated industry.

As discussed above, it was necessary for the department to establish an entire regulatory scheme before June 4 in order for patients, caregivers, and industry participants to know whether and how to participate in the medical marijuana industry. However, two primary considerations led the department to adopt a philosophy of adhering closely to only what regulations were necessary to implement the provisions of Article XIV. First, the department was aware of the lack of a public comment period, and even though it constructed a robust public comment process, this cannot take the place of the statutory necessity of a full, formal rulemaking process with all of its protections. Second, there simply wasn’t time to draft more regulations than were absolutely necessary to get the department and the public safely through the few months of this regulatory program.

In conclusion, the department believes its emergency rules comply with all criteria listed in Section 536.025, and without these rules, the department will not be able to comply with Article XIV of the *Missouri Constitution*.

A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed May 24, 2019, becomes effective June 3, 2019, and expires February 27, 2020.

PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Patient Registry Access. Qualifying patient and primary caregiver information collected by the department shall not be released to anyone outside the department except for purposes authorized by federal law or Article XIV, Section 1 of the *Missouri Constitution*, including:

(A) Upon request and for purposes of verifying whether a particular individual is lawfully in possession of a qualifying patient, primary caregiver, or patient cultivation identification card or lawfully in possession of a particular amount of marijuana, state and local law enforcement personnel shall have access to patient and caregiver information such as names, addresses, dates of birth, and purchase limitations; and

(B) For the purposes of verifying whether a particular qualifying patient or primary caregiver may purchase an amount of medical marijuana or medical marijuana seeds or plants, dispensary facilities shall have access to patient and primary caregiver names and purchase limitations.

(2) Variances.

(A) The department may waive, for good cause, provisions of this chapter on its own initiative or by request.

(B) Requests for variance from the requirements of any provision of this chapter shall be made in writing and will be granted or denied by the director of the department's medical marijuana program. Requests shall include:

1. A list of each requirement for which a variance is requested, with citation to the specific rule in which the requirement can be found; and

2. An explanation for why the requirement cannot be met or why meeting the requirement would impose an undue burden on the applicant.

(C) Denial of variance requests shall be issued by the department in writing and shall include the specific reasons for the denial.

(3) Complaints. All complaints against licensed or certificated medical marijuana facilities must be submitted through the department's website at <http://medicalmarijuana.mo.gov>. Complaints shall include the name and address of the facility against which the complaint is made and a clear description of what violation the complainant believes the facility has committed.

(A) Upon complaint against a facility, the department will determine whether an inspection is warranted to investigate the allegations in the complaint.

(B) If the department conducts an inspection, the facility will receive a copy of the complaint.

(C) Employees of a facility who report potential violations by a facility to the department may not be subjected to retaliation of any kind, including termination, because of their report.

(4) Facility Evaluation Criteria. All applicants for cultivation, dispensary, manufacturing, testing, or transportation licenses or certifications will be evaluated for whether they meet minimum standards as described in subsection (A) of this section. During application time periods where more qualified applicants apply for cultivation, dispensary, manufacturing, or testing licenses or certifications than there are licenses or certificates available in that category, the department will use a system of numerically scoring ten (10) additional evaluation criteria to rank the applications in each such license or certification category against each other.

(A) The minimum standards for licenses and certifications can be met by providing all material required by 19 CSR 30-95.040(2) in order to show, as applicable—

1. Authorization to operate as a business in Missouri;

2. That the entity is majority owned by natural persons who have been residents of Missouri for at least one (1) year;

3. That the entity is not under substantially common control as another entity or a combination of other entities in violation of 19 CSR 20-95.040(3)(C)-(D);

4. That the entity is not within one thousand (1000) feet of an existing elementary or secondary school, daycare, or church, or, if a

local government allows for closer proximity to schools, daycares, and churches, that the entity complies with the local government's requirements;

5. Eligibility to operate in a local jurisdiction; and

6. That the entity will not be owned, in whole or in part, or have as an officer, director, board member, or manager, any individual with a disqualifying felony offense.

(B) The additional evaluation criteria, which will be numerically scored, are—

1. The character, veracity, background, qualifications, and relevant experience of principal officers or managers;

2. The business plan proposed by the applicant, which in the case of cultivation facilities and dispensaries shall include the ability to maintain an adequate supply of medical marijuana, plans to ensure safety and security of qualifying patients and the community, procedures to be used to prevent diversion, and any plan for making medical marijuana available to low-income qualifying patients;

3. Site security;

4. Experience in a legal cannabis market;

5. In the case of testing facilities, the experience of the facility's personnel with the health care industry and with testing marijuana, food, or drugs for toxins and/or potency;

6. The potential for the facility to have a positive economic impact in the site community;

7. In the case of cultivation facilities, capacity or experience with agriculture, horticulture, and health care;

8. In the case of dispensary facilities, capacity or experience with health care, the suitability of the proposed location, and its accessibility for patients;

9. In the case of infused products manufacturing facilities, capacity or experience with food and beverage manufacturing; and

10. Maintaining competitiveness in the medical marijuana marketplace.

(C) When applicable, numerical scoring of evaluation criteria will be conducted as follows:

1. Applications will be separated from their identifying information, including facility business names, and names, addresses, and Social Security numbers of individuals, and assigned a numerical identifier for use during scoring;

2. Applications will be scored based on responses to evaluation criteria questions. Responses may take the form of written answers or written answers with attachments.

A. Each type of facility or certification application will be scored and ranked against the other applications of the same type. For dispensaries, applications will be scored and ranked against other dispensary applications in the same congressional district.

B. Applications will be scored without reference to the identities of the facilities or of individuals named in an application. Written responses to evaluation criteria questions must not refer to facility business names, either legal or fictitious, and must refer to individuals by title and initials only, e.g. "Owner A.E.M." or "Principal Officer R.W.M." Any attachments to evaluation criteria question responses shall be redacted so as to obscure the facility business names and the names, addresses, and Social Security numbers of any individuals mentioned in the application. Unredacted versions of those same documents will be submitted separately in a section of the application designated for this purpose.

C. Responses to evaluation criteria questions in which a business or individual is identified by name will not be scored;

3. Evaluation criteria questions and initial scoring shall be as delineated in the Evaluation Criteria Questions and Points table, the Evaluation Criteria Scoring table, and the Evaluation Criteria Topics and Values table, which are incorporated by reference in this rule as published by the department and available on the department's website at <http://medicalmarijuana.mo.gov>. This rule does not incorporate any subsequent amendments or additions;

4. The same evaluation criteria question in each application will be scored by the same individual, if possible, and scores that vary significantly from other scores for the same questions may be

rescored. If rescored, the first score will be discarded, and the second score will stand;

5. Once all applications have been assigned an initial rank and score, the department will reconnect the applications with their identifying information;

6. After evaluation criteria questions have been initially scored, and in order to award points to applicants that seek to locate in economically distressed areas, thereby supporting a potential for positive economic impact in the site community, the rankings of such facilities will be further adjusted by awarding additional points as follows:

A. Any facility seeking a license to locate within a zip code area that has an employment rate of eighty-five percent to eighty-nine and nine tenths percent (85-89.9%) will receive a scoring increase of thirty percent (30%) of the average initial score of all applicants of the same facility type within the evaluation criteria topic regarding potential for positive economic impact in the site community; and

B. Any facility seeking a license to locate within a zip code area that has an employment rate of zero to eighty-four and nine tenths percent (0-84.9%) will receive a scoring increase of forty percent (40%) of the average initial score of all applicants of the same facility type within the evaluation criteria topic regarding potential for positive economic impact in the site community; and

C. For the purposes of this paragraph, zip code employment data was obtained from the "U.S. Census Bureau, American Community Survey 2013-2017, Employment Status, Population 16 years and over," published by the Missouri Census Data Center. The applicable zip codes are listed in the table included herein;

7. For cultivation, manufacturing, and testing facilities, the score following any adjustments under paragraph 6. of this subsection is the final score;

8. For dispensary facilities, after evaluation criteria questions have been initially scored and adjusted as applicable under paragraph 7. of this subsection, and in order to facilitate patient access to medical marijuana, the rankings of dispensary facilities will be further adjusted by awarding additional points due to geographic location as follows:

A. First, the highest scoring dispensary facility in each of the one hundred sixty-three (163) Missouri House of Representatives districts as drawn and in effect on December 6, 2018, will receive an increase to its score pursuant to subparagraph C. of this paragraph, and all dispensary facility applicants' rankings will then be reordered. A map of the state of Missouri showing the applicable boundary lines of Missouri's house districts is available on the department's website;

B. Finally, any dispensary facility applicant with a location more than twenty-five (25) miles, measured in a straight line, from any other dispensary facility applicant or existing dispensary facility will receive an additional increase to its score pursuant to subparagraph C. of this paragraph, and all dispensary facility applicants' rankings will again be reordered. The resulting rank and score will be each dispensary facility's final rank and score;

C. Scoring increases due to geographic location will be equal to five percent (5%) of the average initial score of the top twenty-four (24) ranked facilities in each congressional district that has at least twenty-four (24) dispensary facility applicants; and

D. In cases where a house district is segmented by the boundary lines of two (2) or more congressional districts, for purposes of the adjustments in this paragraph, only the segment of that house district with the highest population, as of the 2010 United States Population Census, will be utilized; and

9. In the case of a tie for the last available license or certification in any category, the license or certification will go to—

A. The facility with the highest score in the topic specifically relating to that facility type;

B. If a tie remains, then the facility with the highest score in the business plan topic;

C. If a tie remains, then the facility with the highest score in the character topic;

D. If a tie remains, then the facility with the highest score in the site security topic;

E. If a tie remains, then the facility with the highest score in the economic impact topic;

F. If a tie remains, then the facility with the highest score in the legal cannabis market experience;

G. If a tie remains, then the facility will be chosen by lottery.

(D) Licenses and certifications will be issued as follows:

1. When the numerical scoring system is used, the highest ranked facilities for each type of facility and, for dispensaries, in each congressional district, will receive licenses or certifications, except in cases where an entity under substantially common control, ownership, or management has applied for more than three (3) cultivation, three (3) manufacturing, or five (5) dispensary licenses. In those cases, the department will only issue licenses to the highest ranked facilities associated with that entity, up to the maximum number allowable in each category of license; and

2. When the numerical scoring system is not used, all facilities that meet the minimum standards for licenses or certifications will be issued licenses or certifications, except in cases where an entity under substantially common control, ownership, or management has applied for more than five (5) dispensary licenses and some of those dispensaries are located in congressional districts that were numerically scored. In those cases, the department will first issue licenses to the dispensaries associated with that entity in congressional districts that were not numerically scored. Any remaining dispensaries associated with that entity will be issued licenses according to that dispensary's rank and score.

(5) The department will impose penalties as follows:

(A) For possessing marijuana in amounts between the possessor's legal limit and twice the legal limit, in addition to revocation of identification card(s) pursuant to 19 CSR 30-95.030(3)(B)1.D., the possessor will incur a penalty of two hundred dollars (\$200);

(B) For failure to package medical marijuana consistent with 19 CSR 30-95.040(4)(K), a facility will incur a penalty of five thousand dollars (\$5,000) for each category of improperly packaged product, and the improperly packaged medical marijuana will be recalled for repackaging or disposal, at the department's discretion; and

(C) Any person or facility that extracts resins from marijuana using combustible gases or other dangerous materials without a manufacturing facility license, shall incur a penalty.

1. In addition to revocation of identification cards pursuant to 19 CSR 30-95.030(3)(B)1.I., any patients or primary caregivers who extract resins in this manner will incur a penalty of two hundred dollars (\$200).

2. In addition to suspension of license pursuant to 19 CSR 30-95.040(1)(E)7., facilities that extract resins in this manner will incur a penalty of ten thousand dollars (\$10,000).

(6) Appeals.

(A) The following department decisions shall be appealable to the administrative hearing commission:

1. Denial, revocation, or suspension of licenses or certifications; and

2. Denial or revocation of patient, primary caregiver, patient cultivation, or facility agent identification cards.

(B) Any person or entity entitled to appeal to the administrative hearing commission under this rule must file a petition with the administrative hearing commission within thirty (30) days after the date the department decision is sent to the person or entity. An untimely appeal will not be considered.

(C) Notwithstanding the limits on licenses and certifications set forth in 19 CSR 30-95.050(1)(A), 19 CSR 30-95.060(1)(A), 19 CSR 30-95.070(1), and 19 CSR 30-95.080(1)(A)-(B), the department may grant additional facility licenses or certifications as a remedy to timely appeals when:

1. Ordered to do so by the administrative hearing commission or a court of competent jurisdiction; or

2. The department determines doing so in settlement of such an appeal best serves implementation of Article XIV, Section 1 of the *Missouri Constitution*.

(7) Statewide Track and Trace System.

(A) No entity holding a contract with the state of Missouri for a statewide track and trace system or any affiliates of that entity may sell seed-to-sale services or services related to compliance with seed-to-sale tracking regulations to a licensed or certified facility.

(B) Unless otherwise addressed or prohibited by contract or law, an entity holding a contract with the state of Missouri for a statewide track and trace system and any affiliates of that entity may charge a price to a licensed or certified facility for plant/product tracking labels, but no such price shall exceed the cost of producing the label in an amount that would create more than thirty percent (30%) net profit on each label.

(8) Unless otherwise stated, any reference to days in Chapter 95 will mean calendar days.

US Census Bureau 2013-2017 American Community Survey 5-Year Estimates
Missouri Employment Data by Zip Code Tabulation

63633	89.9
63937	89.9
63964	89.9
64132	89.9
64620	89.9
63463	89.8
63655	89.8
65622	89.8
65664	89.8
65752	89.8
64847	89.7
65326	89.7
63873	89.6
64650	89.6
65583	89.5
65733	89.5
64053	89.4
64733	89.4
64848	89.4
65462	89.4
63135	89.3
64744	89.3
65629	89.3
64857	89.2
65722	89.2
63770	89.1
65473	89.1
65605	89.1
63673	89
65232	89
65739	89
63071	88.9
63629	88.9
65037	88.9
65017	88.8
63347	88.7
64109	88.7
64633	88.7

65237	88.7
63851	88.6
64126	88.6
65243	88.5
65571	88.5
65625	88.5
65626	88.5
64431	88.4
65555	88.4
63382	88.3
63561	88.3
63121	88.2
64639	88.2
64867	88.2
63540	88.1
63653	87.9
65656	87.9
64866	87.8
63041	87.7
65737	87.7
63782	87.5
63343	87.4
64127	87.4
64776	87.4
63665	87.3
65774	87.3
63118	87.1
64740	87.1
65067	87.1
65250	87
65535	86.9
63023	86.8
63137	86.8
63868	86.8
64130	86.8
65464	86.8
63134	86.7
64128	86.7

65453	86.7
63112	86.6
63834	86.6
65785	86.6
63458	86.4
63846	86.4
63636	86.3
63869	86.3
63472	86.2
63961	86.1
63443	86
63547	86
63824	86
64090	86
63860	85.7
64499	85.7
65755	85.6
63830	85.5
63138	85.4
63431	85.4
63944	85.2
65667	85.2
65777	85.2
64163	85
63932	84.9
63862	84.8
64136	84.7
63853	84.5
65247	84.5
63147	84.4
65634	84.4
65338	84.3
65760	84.3
63136	84.2
65463	84.2
63952	83.8
63829	83.5
63622	83.4
65674	83.4
65724	83.3
63787	83

65767	83
63087	82.8
63107	82.8
63966	82.3
64743	82.2
64861	81.9
63113	81.6
63866	81.4
64125	80.9
63626	80.4
65079	80.3
63133	80
63955	79.3
63115	79
64676	78.7
64433	77.9
65543	77.8
63120	76.2
63663	75.9
63106	75.8
63849	75.7
65618	75.6
64654	75
65623	75
65702	75
65534	73.7
63945	73
63784	70.6
64147	70.6
63878	69.2
65529	68.6
65768	67.7
65456	64.2
63847	63.6
63047	53.3
63774	50
63674	44.3
63962	0

AUTHORITY: Sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

EMERGENCY RULE

19 CSR 30-95.030 Qualifying Patient/Primary Caregiver

PURPOSE: Under Article XIV, Section 1 of the *Missouri Constitution*, patients with qualifying medical conditions have the right to discuss freely with their physicians the possible benefits of medical marijuana use and the right to use medical marijuana for treatment under the supervision of a physician. Pursuant to the same article, the Department of Health and Senior Services is tasked with ensuring patient access to medical marijuana, subject to reasonable restrictions. This rule explains how the department will implement provisions of Article XIV related to Qualifying Patients and Primary Caregivers.

EMERGENCY STATEMENT: This emergency rule informs the public of how the department will implement provisions of Article XIV related to Qualifying Patients and Primary Caregivers. This rule is necessary to comply with Article XIV, Section 1 of the *Missouri Constitution*, which became effective on December 6, 2018. Article XIV, Section 1 requires that the department make available to the public application forms and instructions for qualifying patient, primary caregiver, and patient cultivation identification cards, as well as for medical marijuana cultivation, testing, dispensary, and infused products manufacturing facilities. In order to make available the forms and instructions for all of these types of applications, it is necessary to promulgate rules for the processes and regulatory functions related to these applications. Without such rules, the department will be unable to efficiently regulate and control the cultivation, manufacturing, and sale of marijuana for medical use or provide a mechanism and regulatory structure through which qualified patients and their caregivers may access medical marijuana. As a result, the department finds a compelling governmental interest in promoting the health and safety of Missouri residents who wish to use marijuana for medical purposes, requiring this emergency action. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed May 24, 2019, becomes effective June 3, 2019, and expires February 27, 2020.

(1) Physician Certification. A qualifying patient must obtain a new physician certification at least annually. In every application for which a physician certification is required, the physician certification must be less than thirty (30) days old at the time the application is submitted.

(2) Identification Card Applications. Qualifying patients and primary caregivers shall obtain identification cards from the department, which will include unique, identifying numbers for each patient and each caregiver-patient relationship. A qualifying patient or his or her primary caregivers may also obtain an identification card to cultivate up to six (6) flowering marijuana plants for the exclusive use of that

qualifying patient. The department will receive applications for qualifying patients, primary caregivers, and patient cultivation electronically through a department-provided, web-based application system. In the event of application system unavailability, the department will arrange to accept applications in an alternative, department-provided format and will notify the public of those arrangements through its website at <http://medicalmarijuana.mo.gov>.

(A) All applications for qualifying patient identification cards and renewal of such identification cards shall include at least the following information:

1. The qualifying patient's name, date of birth, and Social Security number;

2. The qualifying patient's residence address and mailing address or, if the qualifying patient has no residence or mailing address, an address where the qualifying patient can receive mail;

3. A statement that the qualifying patient resides in Missouri and does not claim resident privileges in another state or country, as well as proof of current Missouri residency, which shall be shown by—

A. A copy of a valid Missouri driver's license, a Missouri Identification Card, a current Missouri motor vehicle registration, or a recent Missouri utility bill; or

B. If none of these proofs are available, some other evidence of residence in Missouri, which shall be approved or denied by the director of the medical marijuana program as sufficient proof of residency;

4. The qualifying patient's e-mail address;

5. A statement confirming that—

A. One (1) physician certification, which is less than thirty (30) days old, has been submitted on behalf of the qualifying patient; or

B. Two (2) physician certifications, which are less than thirty (30) days old, have been submitted on behalf of the qualifying patient in order to authorize possession limits other than those established by section (5) of this rule;

6. A legible copy of the qualifying patient's photo identification issued by a state or federal government entity;

7. If the qualifying patient is a non-emancipated qualifying patient, the name, Social Security number, and a Parental/Legal Guardian Consent Form, included herein, completed by a parent or legal guardian who will serve as primary caregiver for the qualifying patient;

8. A clear, color photo of the applicant's face taken within the prior three (3) months;

9. At the option of the applicant, a statement indicating whether the applicant is currently receiving assistance from any Missouri programs for low-income individuals, and if so, which programs;

10. If the patient is seeking authority to cultivate medical marijuana—

A. The address of the facility in which the qualifying patient will cultivate marijuana;

B. A description of the security arrangements and processes that will be used to restrict access to only qualifying patients and their primary caregivers;

C. The name and Patient License Number or Caregiver License Number, if applicable, of one (1) other qualifying patient or primary caregiver with whom the cultivating facility will be shared;

D. A statement affirming the applicant's agreement to immediately make available access to the patient cultivation facility upon request from the department. Such access will be only for purposes of confirming compliance with this rule and will be limited to the enclosed locked facility and any areas necessary to reach and enter the facility on a path of the patient's or primary caregiver's choosing;

11. An attestation that the information provided in the application is true and correct;

12. The signature of the qualifying patient and date the qualifying patient signed, or, in the case of a non-emancipated qualifying

patient, the signature of the parent or legal guardian who will serve as primary caregiver for the qualifying patient and the date the parent or legal guardian signed; and

13. All applicable fees.

(B) All applications for primary caregiver identification cards and renewal of such identification cards shall include at least the following information:

1. The primary caregiver's name, date of birth, and Social Security number;

2. The primary caregiver's residence address and mailing address;

3. The primary caregiver's e-mail address;

4. The name and Patient License Number of the qualifying patient for whom the applicant seeks to serve as primary caregiver;

5. A legible copy of the primary caregiver's photo identification issued by a state or federal government entity;

6. If the qualifying patient is a non-emancipated qualifying patient, a statement that the primary caregiver is the qualifying patient's parent or legal guardian and—

A. A copy of a birth certificate or adoption record showing the primary caregiver as the qualifying patient's parent; or

B. A copy of documentation establishing legal guardianship of the primary caregiver over the qualifying patient;

7. A clear, color photo of the applicant's face taken within the prior three (3) months;

8. If the primary caregiver is seeking authority to cultivate medical marijuana on behalf of the patient—

A. The address of the facility in which the primary caregiver will cultivate marijuana;

B. A description of the security arrangements and processes that will be used to restrict access to only qualifying patients and their primary caregivers;

C. The name and Patient License Number or Caregiver License Number, if applicable, of one (1) other qualifying patient or primary caregiver with whom the cultivating facility will be shared; and

D. A statement affirming the applicant's agreement to immediately make available access to the patient cultivation facility upon request from the department. Such access will be only for purposes of confirming compliance with this rule and will be limited to the enclosed locked facility and any areas necessary to reach and enter the facility on a path of the patient's or primary caregiver's choosing;

9. An attestation that the information provided in the application is true and correct;

10. The signature of the primary caregiver and date the primary caregiver signed;

11. Except in the case of a non-emancipated qualifying patient, a Patient Authorization Form, included herein, completed by the qualifying patient who the primary caregiver will serve; and

12. All applicable fees.

(3) Application Processes.

(A) Upon receiving an application for a qualifying patient identification card, primary caregiver identification card, or patient cultivation identification card, the department shall, within thirty (30) days, either approve the application or provide a written explanation for its denial.

1. In the case of qualifying patient and patient cultivation identification cards, if the department fails to deny or fails to approve an application within thirty (30) days, a card will be issued that will be valid for one (1) year and will serve all the same functions as would a card issued after application approval.

2. An application for a qualifying patient or patient cultivation identification card will be considered received when an application is submitted to the department that includes all information required by section (2) of this rule. The department will notify an applicant once if an application is incomplete and will specify in that notification

what information is missing.

(B) Denial and revocation.

1. Qualifying patient, primary caregiver, and patient cultivation identification cards may be denied or revoked.

A. If an applicant provides false or misleading information in an application, the identification card for which the applicant is applying will be denied.

B. If an applicant fails to provide a complete application within ten (10) days of being notified that an application is incomplete, the identification card for which the applicant is applying will be denied.

(I) An applicant will be considered notified on the date the department sends a written explanation of how the application is incomplete to a mailing or e-mail address provided by the applicant.

(II) If an applicant fails to provide either a mailing or e-mail address, the department will not issue notice but will hold the application for thirty (30) days before denying it.

C. If a card holder violates any provision of this rule, any medical marijuana identification cards currently held by that individual may be revoked.

D. If a card holder is found to be in possession of an amount of marijuana greater than the medical marijuana legal limit applicable to that individual, any medical marijuana identification cards currently held by that individual will be revoked. In such a case, the identification card may be revoked for up to one (1) year.

E. If a card holder is convicted of, pleads guilty to, or receives a suspended imposition of sentence for a violation of section 579.020, 579.065, or 579.068, RSMo or for a violation of a similar law of another state, any medical marijuana identification cards currently held by that individual will be revoked. In such a case, the revocation shall be permanent, absent a gubernatorial pardon or expungement.

F. If an applicant has applied for a qualifying patient, primary caregiver, or qualifying patient cultivation identification card and received two (2) denials within a twelve- (12-) month period, has any of these types of identification cards revoked twice within a twenty-four (24) month period, or applied for any of these types of identification cards and been denied once and also had any of these types of identification cards revoked once within a twenty-four- (24-) month period, the identification card for which the applicant is applying will be denied.

G. If a patient cultivation identification card holder fails to immediately make available access to his or her patient cultivation facility upon request from the department, the patient cultivation identification card will be revoked.

H. If medical marijuana is stolen or lost, is identifiable as medical marijuana purchased by a particular qualifying patient or primary caregiver, is discovered in the possession of an individual who is not the qualifying patient or primary caregiver authorized to possess that medical marijuana, and was not timely reported as stolen or lost by the qualifying patient or primary caregiver authorized to possess that medical marijuana, the qualifying patient's or primary caregiver's identification card may be revoked.

I. If a qualifying patient or primary caregiver uses combustible gases or other dangerous materials to extract resins from marijuana, the qualifying patient's or primary caregiver's identification card may be revoked for up to one (1) year.

J. If the department determines there is good cause to do so, an application for a patient cultivation identification card may be denied.

2. Any denial or revocation shall be issued by the department in writing to the qualifying patient or, in the case of a primary caregiver, to the qualifying patient and the primary caregiver, and shall include the specific reasons for the denial or revocation and the process for requesting review of the department's decision.

(C) Renewal. Qualifying patient, primary caregiver, and patient cultivation identification cards are valid for twelve (12) months from their date of issuance and shall be renewable by submitting, prior to

expiration by at least thirty (30) days but no sooner than sixty (60) days, a new or updated application, which shall include any information required by section (2) that has changed since the date of the previous application, including a new physician certification.

(D) The department shall charge a fee for medical marijuana identification card applications.

1. There will be a separate fee for each application to be a qualifying patient, each application to be a primary caregiver on behalf of a specific qualifying patient, and each application to cultivate medical marijuana on behalf of a specific qualifying patient.

2. Requests for authority to cultivate medical marijuana on behalf of a qualifying patient may be made within a qualifying patient or primary caregiver application or may be made separately at a later time. However, the authorization to cultivate will be added to the qualifying patient or primary caregiver identification card and will only remain valid as long as the qualifying patient or primary caregiver's identification card is still valid.

3. Current fees, including any adjustments, will be posted on the department's website at <http://medicalmarijuana.mo.gov>.

(E) If the name or address of a qualifying patient or primary caregiver changes after an identification card is issued, the qualifying patient or primary caregiver shall notify the department within ten (10) days of the change.

(4) Qualifying Patient Cultivation.

(A) All qualifying patient cultivation shall take place in an enclosed, locked facility, as defined in 19 CSR 30-95.010.

(B) One (1) qualifying patient may cultivate up to six (6) flowering marijuana plants, six (6) nonflowering marijuana plants (over fourteen (14) inches tall), and six (6) clones (plants under fourteen (14) inches tall) at any given time in a single, enclosed locked facility. Two (2) qualifying patients, who both hold valid qualifying patient cultivation identification cards, may share one (1) enclosed, locked facility. No more than twelve (12) flowering marijuana plants, twelve (12) nonflowering plants, and twelve (12) clones may be cultivated in a single, enclosed locked facility, except when one (1) of the qualifying patients, as a primary caregiver, also holds a patient cultivation identification card for a third qualifying patient, in which case that primary caregiver may cultivate six (6) additional flowering marijuana plants, six (6) additional nonflowering marijuana plants, and six (6) additional clones for a total of eighteen (18) flowering marijuana plants, eighteen (18) nonflowering marijuana plants, and eighteen (18) clones in a single, enclosed locked facility.

(C) Under no circumstance will a qualifying patient be entitled to cultivate, or have cultivated on his or her behalf, more than six (6) flowering marijuana plants.

(D) Nothing in this section shall convey or establish a right to cultivate medical marijuana in a facility where state law or a private contract would otherwise prohibit doing so.

(E) All cultivated flowering marijuana plants in the possession of a qualifying patient or primary caregiver shall be clearly labeled with the qualifying patient's name.

(F) The department shall provide each qualifying patient or primary caregiver who receives a qualifying patient cultivation identification card with a cultivation authorization, which shall be clearly displayed within the enclosed cultivation area and in close proximity to the marijuana plants. The authorization shall list the name of the qualifying patient or primary caregiver and the address of the facility in which that qualifying patient or primary caregiver is authorized to cultivate marijuana.

(5) Purchase and Possession Limitations.

(A) Qualifying patients may only purchase, or have purchased on their behalf by their primary caregivers, four (4) ounces of dried, unprocessed marijuana per qualifying patient, or its equivalent, in a thirty- (30-) day period.

(B) Qualifying patients may only possess, or instruct a primary caregiver to possess on their behalf—

1. In the case of qualifying patients who do not cultivate or have medical marijuana cultivated on their behalf, up to a sixty- (60-) day supply of dried, unprocessed marijuana per qualifying patient, or its equivalent; or

2. In the case of qualifying patients who are cultivating marijuana for medical use or whose primary caregivers are cultivating marijuana on their behalf, up to a ninety- (90-) day supply of dried, unprocessed marijuana or its equivalent, so long as the supply of medical marijuana cultivated by the qualifying patients or primary caregivers remains on property under their control.

(C) All medical marijuana purchased from a dispensary must be stored in or with its original packaging.

(D) Primary caregivers may possess a separate legal limit for each qualifying patient under their care and a separate legal limit for themselves if they are a qualifying patient, each of which shall be stored separately for each qualifying patient and labeled with the qualifying patient's name.

(E) Purchase and possession limits established in this section shall not apply to a qualifying patient with written certification from two (2) independent physicians that there are compelling reasons why the qualifying patient needs a greater amount than the limits established in this section.

1. In such a case, both independent physicians must state in their certifications what amount the qualifying patient requires, which shall then be that patient's limit.

2. If the two (2) independent physicians disagree on what amount should be the patient's limit, the lower of the two (2) amounts shall be that patient's limit.

3. If the patient's limit is increased after receiving a qualifying patient identification card, the qualifying patient or primary caregiver shall notify the department within ten (10) days of the change.

(6) Non-Emancipated Qualifying Patient.

(A) A physician shall not issue a certification for the medical use of marijuana for a non-emancipated qualifying patient under the age of eighteen (18) without the written consent of a parent or legal guardian of the qualifying patient.

(B) The department shall not issue a qualifying patient identification card on behalf of a non-emancipated qualifying patient under the age of eighteen (18) without the written consent of a parent or legal guardian of the qualifying patient. Such card shall be issued to the parent or guardian and not directly to the patient.

(C) Only a parent or guardian may serve as a primary caregiver for a non-emancipated qualifying patient under the age of eighteen (18).

(D) Only the qualifying patient's parent or guardian who holds a primary caregiver identification card shall purchase or possess medical marijuana for a non-emancipated qualifying patient under the age of eighteen (18).

(E) A parent or guardian who holds a primary caregiver identification card shall supervise the administration of medical marijuana to a non-emancipated qualifying patient under the age of eighteen (18).

(7) Qualifying Patient Responsibilities.

(A) No qualifying patient shall consume marijuana for medical use in a public place, unless provided by law.

(B) No qualifying patient who is under the care of a primary caregiver may serve as the primary caregiver for another qualifying patient.

(C) If a qualifying patient is no longer entitled to medical marijuana or no longer wishes to hold a medical marijuana identification card, he or she must notify the department within ten (10) days of that change. The department will confirm in writing that the qualifying patient has voluntarily surrendered the identification card and

that the identification card is no longer valid.

(D) If a qualifying patient's medical marijuana is stolen or lost, the qualifying patient must notify the department within two (2) days.

(8) Primary Caregiver Responsibilities.

(A) No individual shall serve as the primary caregiver for more than three (3) qualifying patients.

(B) No individual shall serve as a primary caregiver for a qualifying patient who is already served by two (2) primary caregivers.

(C) If a primary caregiver is no longer entitled to serve as a primary caregiver or no longer wishes to hold a primary caregiver identification card, he or she must notify the department within ten (10) days of that change. The department will confirm in writing that the primary caregiver has voluntarily surrendered the identification card and that the identification card is no longer valid.

(D) If medical marijuana in possession of a primary caregiver is stolen or lost, the primary caregiver must notify the department in a department-approved format within two (2) days.

(9) Disposal of Qualifying Patient Medical Marijuana.

(A) In any case where a qualifying patient is no longer entitled to medical marijuana under any provision of state law or is deceased, any excess medical marijuana or marijuana plants in the possession of the qualifying patient or the patient's primary caregiver or discovered by a third party shall be turned over to a licensed dispensary for disposal within thirty (30) days of the event that makes the qualifying patient ineligible.

1. Before delivering the excess medical marijuana to a dispensary, the individual in possession of the excess medical marijuana must contact the department, and the department will coordinate delivery arrangements between the individual and a dispensary.

2. The individual in possession of excess medical marijuana shall receive from the department written, temporary authorization to transport medical marijuana, which shall include details regarding the delivery arrangements approved by the department.

(B) The possession and transportation of medical marijuana under this section shall not subject the possessor to arrest, criminal or civil liability, or sanctions under Missouri law, provided that the possessor produces on demand to the appropriate authority a copy of the temporary authorization for transport or evidence of communication with the department regarding delivery arrangements.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
SECTION FOR MEDICAL MARIJUANA REGULATION
MEDICAL MARIJUANA REGULATORY PROGRAM
PARENT / LEGAL GUARDIAN CONSENT FORM

A Parental/Legal Guardian Consent Form is required by 19 CSR 30-95.030 as proof of consent by a parent or legal guardian for a minor's use of marijuana for medical use and must be submitted with any Patient Registration Application for a non-emancipated qualifying patient. Please ensure information provided is consistent with the applicable Patient Registration Application and the applicable Primary Caregiver Application.

PATIENT NAME:

LAST NAME:

FIRST NAME:

MIDDLE NAME:

PATIENT / LEGAL GUARDIAN WHO WILL SERVE AS PRIMARY CAREGIVER NAME:

LAST NAME:

FIRST NAME:

MIDDLE NAME:

SOCIAL SECURITY NUMBER:

DATE OF BIRTH:

I, _____, affirm I am the parent or legal guardian of _____,
and this is my written consent for the Department of Health and Senior Services to issue a Patient Identification
Card for his/her medical use of marijuana under my supervision.

PARENT / LEGAL GUARDIAN SIGNATURE:

DATE:



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
SECTION FOR MEDICAL MARIJUANA REGULATION
MEDICAL MARIJUANA REGULATORY PROGRAM
PATIENT AUTHORIZATION FORM

A Patient Authorization Form is required by 19 CSR 30-95.030 as proof of a patient's desire that a particular individual serve as the patient's primary caregiver and must be submitted with a Primary Caregiver Registration Application. Please ensure information provided is consistent with the applicable Primary Caregiver Registration Application.		
PATIENT NAME:		
LAST NAME:	FIRST NAME:	MIDDLE NAME:
PRIMARY CAREGIVER NAME:		
LAST NAME:	FIRST NAME:	MIDDLE NAME:
SOCIAL SECURITY NUMBER:		DATE OF BIRTH:
I, _____, affirm that it is my desire that _____, serve as my primary caregiver in order to assist me in the medical use of marijuana.		
PATIENT SIGNATURE:		DATE:

MO 580-3271 (5-19)

AUTHORITY: Sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana

EMERGENCY RULE

19 CSR 30-95.040 Medical Marijuana Facilities Generally

PURPOSE: Under Article XIV, Section 1 of the *Missouri Constitution*, the Department of Health and Senior Services is authorized to regulate and control the operations of Cultivation, Infused Product Manufacturing, Dispensary, Testing, and Transportation facilities, and to grant, refuse, suspend, fine, restrict, or revoke the licenses and certifications for such facilities. This rule explains how this authority will be exercised.

EMERGENCY STATEMENT: This emergency rule informs the public of how the department will exercise its authority to regulate and control the operations of Cultivation, Infused Product Manufacturing, Dispensary, Testing, and Transportation facilities. This rule is necessary to comply with Article XIV, Section 1 of the *Missouri*

Constitution, which became effective on December 6, 2018. Article XIV, Section 1 requires that the department make available to the public application forms and instructions for qualifying patient, primary caregiver, and patient cultivation identification cards, as well as for medical marijuana cultivation, testing, dispensary, and infused products manufacturing facilities. In order to make available the forms and instructions for all of these types of applications, it is necessary to promulgate rules for the processes and regulatory functions related to these applications. Without such rules, the department will be unable to efficiently regulate and control the cultivation, manufacturing, and sale of marijuana for medical use or provide a mechanism and regulatory structure through which qualified patients and their caregivers may access medical marijuana. As a result, the department finds a compelling governmental interest in promoting the health and safety of Missouri residents who wish to use marijuana for medical purposes, requiring this emergency action. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed May 24, 2019, becomes effective June 3, 2019, and expires February 27, 2020.

(1) Application Processes. The department will begin accepting applications for licensing and certification of cultivation, infused products manufacturing, dispensary, testing, and transportation facilities on

August 3, 2019.

(A) The department will receive applications for facility licenses or certifications electronically through a department-provided, web-based application system. In the event of application system unavailability, the department will arrange to accept applications in an alternative, department-provided format and will notify the public of those arrangements through its website.

(B) For cultivation, manufacturing, dispensary, and testing facilities, the department will publish on its website time periods during which it will accept applications for review. All complete applications received by the department that are submitted during the application time periods will be approved or denied within one hundred fifty (150) days of that application's submission.

1. Any application fees submitted before or during the first application time period and during any subsequent application period are nonrefundable.

2. After the first application time period, any application fees submitted outside of an application time period will not be accepted.

3. If licenses or certifications are available after a time period for accepting applications has passed, the department will determine when to publish on its website a new time period during which it will accept applications and will publish that new time period on its website at least six (6) months prior to the beginning of that time period.

4. Applications will be considered complete if they include all information required for applications by this rule and by 19 CSR 30-95.025(4). The department will notify an applicant if an application is incomplete and will specify in that notification what information is missing. Applicants will be given seven (7) days to provide missing information.

(C) For transportation facilities, all complete applications received by the department that are submitted on or after August 3, 2019, will be approved or denied within one hundred fifty (150) days of that application's submission. Applications will be considered complete if they include all information required for applications by this rule. The department will notify an applicant if an application is incomplete and will specify in that notification what information is missing. Applicants will be given seven (7) days to provide missing information.

(D) The issuance of a facility license or certification does not authorize the facility to begin cultivating, manufacturing, dispensing, testing, or transporting medical marijuana. A facility will be granted final approval to operate upon passing a commencement inspection.

(E) The department will not license or certify a cultivation, dispensary, manufacturing, transportation, or testing facility that is owned by or affiliated with an entity that currently holds a contract with the state of Missouri for any product or service related to the department's medical marijuana program.

(F) Licenses and certification for facilities may be suspended, denied, or revoked.

1. If a facility provides false or misleading information in an application, its application may be denied or, if the information is later discovered to have been false or misleading, its license or certification may be revoked. Plans, assurances, and projections offered in answers to 19 CSR 30-95.025(4) evaluation criteria questions may be considered false or misleading if, upon application for license renewal, the department determines the facility has not made a reasonable effort to implement or follow-through on those plans, assurances, or projections.

2. If a facility violates any provision in this chapter or fails to comply with a corrective action plan, its license or certification may be suspended or revoked.

3. If an applicant fails to provide a complete application within seven (7) days of being notified that an application is incomplete, the license or certification for which the applicant is applying will be denied.

4. If a facility is granted a license or certification but has not passed a commencement inspection within one (1) year of the depart-

ment issuing the license or certification, the license or certification may be revoked.

5. If a facility fails to comply with a department order to immediately suspend all or a part of its operations, the license or certification shall be revoked.

6. If an application does not meet the minimum standards for licenses and certifications pursuant to 19 CSR 30-95.025(4), the license or certification for which the applicant is applying will be denied.

7. If a facility uses combustible gases or other dangerous materials to extract resins from marijuana without a manufacturing facility license, the facility's license may be suspended for up to one (1) year.

8. If a facility packages medical marijuana in a false or misleading manner, or in any manner designed to cause confusion between a marijuana product and any product not containing marijuana, the facility's license may be suspended or revoked.

9. If a facility or a facility employee fails to comply with seed-to-sale tracking requirements or intentionally misuses or falsifies seed-to-sale tracking data, the facility's license may be revoked.

(G) Cultivation, infused product manufacturing, and dispensary licenses and testing and transportation certifications are valid for three (3) years from the date the license or certification is issued and shall, except for good cause, be renewable by submitting, prior to expiration by at least one hundred fifty (150) days but no sooner than two hundred fifty (250) days, an updated application, which shall include any information required by section (2) of this rule or section (4) of 19 CSR 30-95.025 that has changed since the date of the previous application.

(H) The department shall charge an application or renewal fee for a facility license or certification and also an annual fee once a license or certification is granted. The first annual fee will be due thirty (30) days after a license or certification is issued and shall be due annually on that same date as long as the facility's license or certification remains valid. The department shall publish the current fees, including any adjustments, on its website. The amount of fees due for each facility will be the amount that is effective as of that facility's due date.

(2) Application Requirements. Facilities must obtain a license or certification to cultivate, manufacture, dispense, test, and transport medical marijuana in Missouri. All applications for facility licenses or certifications and for renewals of licenses or certifications shall include at least the following information:

(A) Name and address of the primary contact for the applicant facility;

(B) Legal name of the facility, including fictitious business names, and a certificate of good standing from the Missouri Office of the Secretary of State;

(C) A completed Ownership Structure Form, included herein, which must show the applicant entity is majority owned by Missouri residents, and a written description or visual representation of the facility's ownership structure including all entities listed on the Ownership Structure Form;

(D) For each owner claiming Missouri residency for purposes of subsection (C) of this section, a statement that the owner has resided in Missouri for at least one (1) year and does not claim resident privileges in another state or country, as well as proof of current Missouri residency, which shall be shown by—

1. A copy of a valid Missouri driver's license, a Missouri Identification Card, a current Missouri motor vehicle registration, or a recent Missouri utility bill; or

2. If none of these proofs are available, some other evidence of residence in Missouri, which shall be approved or denied at the discretion of the director of the medical marijuana program as sufficient proof of residency;

(E) A list of all facilities licensed or certified or applying for licensure or certification in Missouri to cultivate, manufacture, dispense,

or test medical marijuana that are or will be under substantially common control, ownership, or management as the applicant. For each facility listed, a written explanation of how the facility is under substantially common control, ownership, or management as the applicant, with supporting documentation;

(F) Proposed address of the facility and—

1. A map of the surrounding area that shows compliance with the facility location requirements of subsection (4)(B) of this rule or 19 CSR 30-95.100(2)(C); or

2. Documentation showing a local government requirement different than the requirement in subsection (4)(B) of this rule or 19 CSR 30-95.100(2)(C) and a map of the surrounding area that shows compliance with the facility location requirements of the local government; and

3. An attestation that the proposed address of the facility complies with the facility location requirements of subsection (4)(B) of this rule or 19 CSR 30-95.100(2)(C);

(G) Descriptions, schematics, or blueprints for the facility;

(H) If the city, town, or county in which the facility will be located has enacted zoning restrictions applicable to the facility, the text of the restrictions and a description of how the facility plans to comply with those restrictions;

(I) An attestation that no individual who owns the facility, in whole or in part, has a disqualifying felony offense;

(J) A statement confirming that all owners who hold any portion of the economic or voting interest of the facility who will also have access to medical marijuana or the medical marijuana facility, and all officers, directors, board members, managers, and employees identified in the application, have submitted fingerprints within the previous six (6) months for a state and federal fingerprint-based criminal background check to be conducted by the Missouri State Highway Patrol;

(K) All facility evaluation information required by 19 CSR 30-95.025(4); and

(L) All applicable fees or proof that all applicable fees have already been paid.

(3) Facility Ownership and Employment.

(A) Cultivation, infused products manufacturing, dispensary, testing, and transportation facilities shall not be owned by, in whole or in part, or have as an officer, director, board member, manager, or employee, any individual with a disqualifying felony offense.

(B) Cultivation, infused products manufacturing, dispensary, testing, and transportation facilities shall be held by entities that are majority owned by natural persons who have been citizens of the state of Missouri for at least one (1) year prior to applying for a facility license or certification. For the purposes of this requirement, citizen means resident.

(C) No more than three (3) cultivation, no more than three (3) manufacturing, and no more than five (5) dispensary licenses shall be issued to any entity under substantially common control, ownership, or management. Any entity under substantially common control, ownership, or management that has applied for more than three (3) cultivation, three (3) manufacturing, or five (5) dispensary licenses shall contact the department at the time of application submission to identify for the department the applications associated with that entity. The department will use this information, once application scoring is complete pursuant to 19 CSR 30-95.025(4), solely for determining how many licenses the department may issue any particular entity.

(D) No testing facility shall be owned by an entity under substantially common control, ownership, or management as a cultivation, manufacturing, or dispensary facility.

(E) Facility Agent Identification Cards. Each owner, officer, manager, contractor, employee, and other support staff of a licensed or certified cultivation, dispensary, manufacturing, testing, or transportation facility shall obtain an agent identification card, which shall be assigned and display a unique, identifying number. For all such

individuals associated with an entity at the time it is licensed or certified, any work they are performing for that entity may continue, but application for an agent identification card must be made within thirty (30) days of a license or certification being granted. For all other such individuals, applications for agent identification cards will be accepted only after an individual receives an offer of employment from a licensed or certified facility, and for those individuals, agent identification cards must be granted before they may begin employment with a licensed or certified entity.

1. All applications for agent identification cards and renewals of agent identification cards shall include at least the following information in a department-approved format:

A. Name, address, and Social Security number of the applicant;

B. A statement confirming that the applicant has submitted fingerprints within the previous six (6) months for a state and federal fingerprint-based criminal background check to be conducted by the Missouri State Highway Patrol;

C. A copy of a written offer of employment from a licensed or certified facility; and

D. All applicable fees.

2. Agent identification cards shall be valid for three (3) years.

3. If arrested for a disqualifying felony offense, agent identification card holders must notify the department within thirty (30) days of the arrest.

4. For purposes of this section, a contractor is a person or company that undertakes a contract with a licensed or certified facility to perform work that would include access to medical marijuana or related equipment or supplies for a time period greater than fourteen (14) days.

5. For purposes of this section, an owner is a person who holds any portion of the economic or voting interests of a facility and who will have access to medical marijuana or a medical marijuana facility.

6. Agent identification card holders must have their cards accessible to them at all times while performing work in or on behalf of a facility.

7. The department shall charge a fee for identification cards, which shall be seventy-five dollars (\$75), due at the time of application or renewal.

(4) Facility Operation, Policies, and Procedures.

(A) Each cultivation, infused product manufacturing, or dispensary facility in operation must obtain a separate license, but multiple licenses may be utilized in a single facility. All licenses shall be displayed at all times within twenty feet (20') of the main entrance to a facility.

(B) Unless expressly allowed by the local government, no new cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for license or for local zoning approval, whichever is earlier, within one thousand feet (1,000') of any then-existing elementary or secondary school, daycare, or church.

1. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.

2. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the

entrance or exit of the school, daycare, or church closest in proximity to the facility.

3. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

(C) All licensed or certified cultivation, dispensary, manufacturing, testing, and transportation facilities must seek and obtain the department's approval before they may—

1. Assign, sell, give, lease, sublicense, or otherwise transfer its license to any other entity.

A. If the entity to which the license or certification will be transferred is owned by the same entities as was the entity to which the department originally issued the license or certification, the request may be submitted after the facility at issue has been granted a license and must include at least the following:

(I) Legal name of the facility, including fictitious business names, and a certificate of good standing from the Missouri Office of the Secretary of State; and

(II) A completed Ownership Structure Form, included herein, which must show the applicant entity is owned by the same entities as was the entity to which the department originally issued the license or certification;

B. If the entity to which the license or certification will be transferred is not owned by the same entities as was the entity to which the department originally issued the license or certification, the request may be submitted beginning January 1, 2021, and shall include at least the same information required for an initial application for license or certification;

2. Make any changes to ten percent (10%) or more of the ownership interests of the facility. Such requests may be submitted after the facilities at issue have been granted a license and must include at least the following:

A. Name of each new owner, if any;

B. An updated Ownership Structure Form, included herein, which must show the applicant entity is majority owned by Missouri residents, and a written description or visual representation of the facility's ownership structure including all entities listed on the Ownership Structure Form;

C. For each owner claiming Missouri residency for purposes of subparagraph B. of this paragraph, a statement that the owner has resided in Missouri for at least one (1) year and does not claim resident privileges in another state or country, as well as proof of current Missouri residency, which shall be shown by—

(I) A copy of a valid Missouri driver's license, a Missouri Identification Card, a current Missouri motor vehicle registration, or a recent Missouri utility bill; or

(II) If none of these proofs are available, some other evidence of residence in Missouri, which shall be approved or denied at the discretion of the director of the medical marijuana program as sufficient proof of residency;

D. A list of all facilities licensed or certified or applying for licensure or certification in Missouri to cultivate, manufacture, dispense, or test medical marijuana that are or will be under substantially common control, ownership, or management as the applicant. For each facility listed, an explanation of how the facility is under substantially common control, ownership, or management as the applicant, with supporting documentation;

E. An attestation that no individual who owns the facility, in whole or in part, has a disqualifying felony offense; and

F. A statement confirming that all owners who hold any portion of the economic or voting interest of a facility who will also have access to medical marijuana or a medical marijuana facility, and all officers, directors, board members, managers, and employees identified in the application have submitted fingerprints within the previous six (6) months for a state and federal fingerprint-based criminal background check to be conducted by the Missouri State Highway Patrol;

3. Materially deviate from the proposed physical design or make material changes to the current physical design of the facility, includ-

ing its location. Such requests may be submitted after the facilities at issue have been granted a license and shall include at least the following:

A. New or updated descriptions, schematics, or blueprints for the facility;

B. An attestation that the proposed changes to the facility comply with the facility location requirements of subsection (4)(B) of this rule or 19 CSR 30-95.100(2)(C) and any facility location requirements of the local government;

C. If the city, town, or county in which the facility will be located has enacted zoning restrictions applicable to the facility, the text of the restrictions and a description of how the changes to the facility comply with those restrictions; and

D. For location change requests, an explanation for why the facility's original location is no longer possible and proof that claims made in the facility's initial licensure application regarding benefits of its original location also apply to the facility's newly proposed location;

4. Combine licensed facilities at a single location. Such requests may be submitted after the facilities at issue have been granted a license and shall include at least the following:

A. Descriptions, schematics, or blueprints for the combined facilities;

B. An attestation that the proposed combination of facilities complies with the facility location requirements of subsection (4)(B) of this rule or 19 CSR 30-95.100(2)(C) and any location requirements of the local government;

C. If the city, town, or county in which the combined facilities will be located has enacted zoning restrictions applicable to the combined facilities, the text of the restrictions and a description of how the combined facilities will comply with those restrictions; and

D. If the combination of facilities is between two (2) or more entities with different ownership, documents showing the agreements between the entities concerning their respective roles and their relationship in regard to management, operation, and maintenance of the combined facility. Such agreements shall include an acknowledgment that all entities sharing management, operations, or maintenance of the combined facility shall be jointly responsible for compliance with the applicable department regulations for the shared spaces of the combined facility; or

5. Begin construction on a warehouse sited at a location other than the approved location of the facility. Such requests may be submitted after the facility at issue has been granted a license and shall include at least the following:

A. Descriptions, schematics, or blueprints for the warehouse;

B. An attestation that the proposed location for the warehouse complies with the facility location requirements of subsection (4)(B) of this rule or 19 CSR 30-95.100(2)(C) and any location requirements of the local government that would apply to the facility for which the warehouse is being constructed;

C. If the city, town, or county in which the warehouse will be located has enacted zoning restrictions applicable to the facility for which the warehouse is being constructed, the text of the restrictions and a description of how the warehouse will comply with those restrictions; and

D. An attestation that the warehouse will comply with all other rules applicable to the facility for which the warehouse is being constructed.

(D) All marijuana for medical use, including plants, flowers, and infused products, sold in Missouri shall be cultivated in a licensed cultivation facility located in Missouri. After December 31, 2020, marijuana for medical use shall be grown from seeds or plants obtained from a Missouri licensed cultivation or dispensary facility.

(E) Any excess or unusable medical marijuana or medical marijuana byproduct of a cultivation, manufacturing, dispensary, testing, or transportation facility shall be disposed of in the following manner, as applicable:

1. Solid and liquid wastes generated during medical marijuana

production and processing must be stored, managed, and disposed of in accordance with applicable state, tribal, local, and municipal laws and regulations. Facilities must keep records of the final disposal destinations of all such wastes for at least five (5) years;

2. Wastewater generated during medical marijuana production and processing must be disposed of in compliance with applicable state, tribal, local, and municipal laws and regulations;

3. Wastes from the production and processing of medical marijuana plants must be evaluated against state hazardous waste regulations to determine if those wastes qualify as hazardous waste. It is the responsibility of each waste generator to properly evaluate their waste to determine if it is a hazardous waste per 40 CFR 262.11. If a generator's waste does qualify as a hazardous waste, then that waste is subject to the applicable hazardous waste management standards.

A. All solid waste, as defined by 40 CFR 261.2, must be evaluated under the hazardous waste regulations, including:

(I) Waste from medical marijuana flowers, trim, and solid plant material used to create an extract;

(II) Waste solvents, pesticides, and other similar materials used in the cultivation, manufacturing, or testing process;

(III) Discarded plant waste, spent solvents, and laboratory wastes from any medical marijuana processing or quality assurance testing; and

(IV) Medical marijuana extract that fails to meet quality testing.

B. Medical marijuana flowers, trim, and solid plant material are not in themselves considered hazardous waste unless they have been treated or contaminated with a hazardous waste constituent;

4. Medical marijuana waste that does not qualify as hazardous waste per 40 CFR 262.11 must be rendered unusable prior to leaving a facility, including plant waste, such as roots, stalks, leaves, and stems;

5. Medical marijuana plant waste that does not qualify as hazardous may be rendered unusable by grinding and incorporating the medical marijuana plant waste with other nonhazardous ground materials so the resulting mixture is at least fifty percent (50%) nonmarijuana waste by volume. Material used to grind with the medical marijuana may be either compostable waste or noncompostable waste. Other methods to render medical marijuana waste unusable must be approved by the department before implementation.

A. Compostable mixed waste: Medical marijuana waste to be disposed as compost feedstock or in another organic waste method (for example, anaerobic digester) may be mixed with the following types of waste materials:

(I) Food waste;

(II) Yard waste; or

(III) Vegetable based grease or oils.

B. Noncompostable mixed waste: Medical marijuana waste to be disposed in a landfill or another disposal method (for example, incinerator) may be mixed with the following types of waste materials:

(I) Paper waste;

(II) Cardboard waste;

(III) Plastic waste; or

(IV) Soil;

6. Medical marijuana waste that has been rendered unusable may be delivered to a permitted solid waste facility for final disposition. Examples of acceptable permitted solid waste facilities include:

A. For compostable mixed waste: Compost, anaerobic digester, or other facility with approval of the local health department; and

B. For noncompostable mixed waste: Landfill, incinerator, or other facility with approval of the local health department; or

7. All facility waste of any type must be stored securely before final disposition, which can be done within the facility in areas designated for disposal activities or, if necessary, outside the facility in a locked, tamper-resistant receptacle.

(F) All cultivation, manufacturing, dispensary, testing, and trans-

portation facilities must establish and follow procedures to ensure medical marijuana remains free from contaminants. The procedures must address, at a minimum:

1. The flow through a facility of any equipment or supplies that will come in contact with medical marijuana including receipt and storage;

2. Employee health and sanitation;

3. Environmental factors, such as:

A. Floors, walls, and ceilings made of smooth, hard surfaces that are easily cleaned;

B. Temperature and humidity controls;

C. A system for monitoring environmental conditions;

D. A system for cleaning and sanitizing rooms and equipment;

E. A system for maintaining any equipment used to control sanitary conditions; and

F. For cultivation and manufacturing facilities, an air supply filtered through high-efficiency particulate air filters under positive pressure.

(G) All cultivation, infused products manufacturing, dispensary, testing, and transportation facilities shall implement inventory control systems and procedures as follows:

1. Each facility shall designate in writing a facility agent who is generally responsible for the inventory control systems and procedures for that facility;

2. All weighing and measuring of medical marijuana required by this rule must be conducted with a National Type Evaluation Program approved scale, which shall be capable of weighing and measuring accurately at all times and recalibrated at least yearly;

3. Each facility shall use a department-certified seed-to-sale tracking system to track medical marijuana from seed or immature plant stage until the medical marijuana is purchased by a qualifying patient or primary caregiver or destroyed. Records entered into the seed-to-sale tracking system must include each day's beginning inventory, harvests, acquisitions, sales, disbursements, remediations, disposals, transfers, ending inventory, and any other data necessary for inventory control records in the statewide track and trace system;

4. Each infused product manufacturing facility shall—

A. Establish and maintain a perpetual inventory system that documents the flow of materials through the manufacturing process;

B. Establish procedures to reconcile the raw material used to the finished product on the basis of each process lot. Significant variances must be documented, investigated by management personnel, and reported to the department and to the facility that ordered the infused product within twenty-four (24) hours of discovering the variances; and

C. Provide for quarterly physical inventory counts to be performed by facility employees who do not participate in the manufacturing process, which shall be reconciled to the perpetual inventory records. Significant variances must be documented, investigated by management personnel, and reported to the department within twenty-four (24) hours of discovering the variances;

5. Each dispensary facility shall be responsible for ensuring that every amount of medical marijuana sold or disbursed to a qualifying patient or primary caregiver is recorded in the seed-to-sale tracking system as a purchase by or on behalf of the applicable qualifying patient. Amounts of medical marijuana shall be recorded—

A. For dried, unprocessed marijuana, in ounces or grams;

B. For concentrates, in grams; or

C. For infused products, by milligrams of THC;

6. If a facility identifies a reduction in the amount of medical marijuana in the inventory of the facility, the facility must document where in the facility's processes the loss has occurred, if possible, and take and document corrective action. If the reduction in the amount of medical marijuana in the inventory of the facility is due to suspected criminal activity by a facility agent, the facility shall report the facility agent to the department and to the appropriate law enforcement agencies within twenty-four (24) hours of discovering

the suspected criminal activity;

7. A medical marijuana facility shall maintain all records required by this subsection for at least five (5) years; and

8. In case of seed-to-sale system failure or loss of connection to the statewide track and trace system, the facility may continue performing for up to five (5) hours all actions that are required to be tracked, except sales of medical marijuana or transfers of medical marijuana from the facility, as long as the facility records all necessary tracking information and enters that information into its seed-to-sale tracking system upon restoration of the system or into the statewide track and trace system upon restoration of the connection.

(H) All cultivation, infused products manufacturing, and dispensary facilities shall ensure the security of medical marijuana and facility employees by taking at least the following measures:

1. Facilities shall install and maintain security equipment designed to prevent unauthorized entrance into limited access areas and to prevent diversion and inversion of medical marijuana including:

A. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular or private radio signals, or other mechanical or electronic devices;

B. Except in the case of outdoor cultivation, exterior lighting to facilitate surveillance, which shall cover the exterior and perimeter of the facility;

C. Electronic video monitoring, including—

(I) At least one (1) call-up monitor that is nineteen inches (19") or more;

(II) A printer capable of immediately producing a clear still photo from any video camera image;

(III) Video cameras with a recording resolution of at least 1920 x 1080, or the equivalent, at a rate of at least fifteen (15) frames per second, that operate in such a way as to allow identification of people and activities in the monitored space, in all lighting levels, that are capable of being accessed remotely by the department or a law enforcement agency in real-time upon request, and that provide coverage of—

(a) All entrances and exits of the facility, including windows, and all entrances and exits from limited access areas;

(b) The perimeter and exterior areas of the facility, including at least twenty feet (20') of space around the perimeter of an outdoor grow area;

(c) Each point-of-sale location;

(d) All vaults or safes; and

(e) All medical marijuana, from at least two (2) angles, where it is cultivated, cured, trimmed, processed, rendered unusable, and disposed;

(IV) A method for storing recordings from the video cameras for at sixty (60) days in a secure on-site or off-site location or through a service or network that provides on-demand access to the recordings and that allows for providing copies of the recordings to the department upon request and at the expense of the facility;

(V) A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and

(VI) Sufficient battery backup for video cameras and recording equipment to support at least sixty (60) minutes of recording in the event of a power outage;

D. Controlled entry to limited access areas, which shall be controlled by electronic card access systems, biometric identification systems, or other equivalent means, except that, in addition to these means, all external access doors shall be equipped with a locking mechanism that may be used in case of power failure. Access information shall be recorded, and all records of entry shall be maintained for at least one (1) year;

E. A method of immediate, automatic notification to alert local law enforcement agencies of an unauthorized breach of security at the facility; and

F. Manual, silent alarms at each point-of-sale, reception area, vault, and electronic monitoring station with capability of alerting local law enforcement agencies immediately of an unauthorized breach of security at the facility;

2. Facilities shall establish policies and procedures—

A. For restricting access to the areas of the facility that contain medical marijuana to only persons authorized to be in those areas, which shall include, when necessary for business purposes, contractors hired for no more than fourteen (14) days and other visitors, all of which may enter the restricted area if they sign in and sign out of a visitor log and are escorted at all times by facility agents in a ratio of no less than one (1) facility agent per five (5) visitors;

B. For identifying persons authorized to be in the areas of the facility that contain medical marijuana;

C. For identifying facility agents responsible for inventory control activities;

D. For limiting the amount of money available in any retail areas of the facility and for notifying the public that there is a minimal amount of money available, including by posting of a sign;

E. For electronic monitoring;

F. For the use of the automatic or electronic notification and manual, silent alarms to alert local law enforcement agencies of an unauthorized breach of security at the facility, including designation of on-call facility personnel to respond to, and to be available to law enforcement personnel who respond to, any alarms; and

G. For keeping local law enforcement updated on whether the facility employs armed security personnel and how law enforcement can identify such personnel on sight;

3. Facilities with outdoor cultivation shall construct an exterior barrier around the perimeter of the marijuana cultivation area that consists of a fence that is—

A. Constructed of six (6) gauge metal or stronger chain link;

B. Topped with razor wire or similar security wire;

C. At least eight feet (8') in height; and

D. Screened such that the cultivation area is not easily viewed from outside the fence;

4. Facilities with windows in a limited access area must ensure either that the window cannot be opened and is designed to prevent intrusion or that the window is otherwise inaccessible from the outside;

5. Facilities shall ensure that each video camera used pursuant to this section—

A. Includes a date and time generator which possesses the capability to accurately display the date and time of recorded events on the recording in a manner that does not significantly obstruct the recorded view; and

B. Is installed in a manner that will prevent the video camera from being readily obstructed, tampered with, or disabled;

6. A facility shall make a reasonable effort to repair any malfunction of security equipment within seventy-two (72) hours after the malfunction is discovered. A facility shall notify the department within twenty-four (24) hours after a malfunction is discovered and provide a plan of correction.

A. If a video camera used pursuant this section malfunctions, the facility shall immediately provide alternative video camera coverage or use other security measures until video camera coverage can be restored, such as assigning additional supervisory or security personnel, to provide for the security of the facility. If the facility uses other security measures, the facility must immediately notify the department, and the department will determine whether the other security measures are adequate and for what amount of time those other security measures will be acceptable.

B. Each facility shall maintain a log that documents each malfunction and repair of the security equipment of the facility. The log must state the date, time, and nature of each malfunction; the efforts taken to repair the malfunction and the date of each effort; the reason for any delay in repairing the malfunction; the date the malfunction is repaired and; if applicable, any alternative security measures that

were taken. The log must also list, by date and time, all communications with the department concerning each malfunction and corrective action. The facility shall maintain the log for at least one (1) year after the date of last entry in the log;

7. Each facility shall employ a security manager who shall be responsible for:

A. Conducting a semiannual audit of security measures to ensure compliance with this subsection and to identify potential security issues;

B. Training employees on security measures, emergency response, and theft prevention and response within one (1) week of hiring and on an annual basis;

C. Evaluating the credentials of any contractors who intend to provide services to the facility before the contractor is hired by or enters into a contract with the facility; and

D. Evaluating the credentials of any third party who intends to provide security to the facility before the third party is hired by or enters into a contract with the facility; and

8. Each facility shall ensure that the security manager of the facility, any facility agents who provide security for the facility, and the employees of any third party who provides security to the facility have completed the following training:

A. Training in theft prevention or a related subject;

B. Training in emergency response or a related subject;

C. Training in the appropriate use of force or a related subject that covers when the use of force is and is not necessary;

D. Training in the protection of a crime scene or a related subject;

E. Training in the control of access to protected areas of a facility or a related subject;

F. Not less than eight (8) hours of training at the facility in providing security services; and

G. Not less than eight (8) hours of classroom training in providing security services.

(I) The department may issue public notice of a medical marijuana recall if, in its judgment, any particular medical marijuana presents a threat to the health and safety of qualifying patients. All facilities are responsible for complying with recall notices. Recalled items must be immediately pulled from production or inventory and held until such time as the department determines the item is safe, may be remediated, or must be destroyed.

(J) Medical marijuana that fails testing or is subject to a recall must either be destroyed by any facility in possession of that medical marijuana or, at the election of the facility from which the failed test or recalled item originated, and with approval of the department, may be remediated, if possible.

1. Remediated medical marijuana must pass all testing required by 19 CSR 30-95.070;

2. Facilities may only elect to remediate any particular medical marijuana once.

(K) All cultivation, infused products manufacturing, and dispensary facilities shall ensure that all medical marijuana is packaged and labeled in a manner consistent with the following:

1. Facilities shall not manufacture, package, or label marijuana—

A. In a false or misleading manner;

B. In any manner designed to cause confusion between a marijuana product and any product not containing marijuana; or

C. In any manner designed to appeal to a minor;

2. Marijuana and marijuana-infused products shall be sold in containers clearly and conspicuously labeled, in a font size at least as large as the largest other font size used on the package, with:

A. “Marijuana” or a “Marijuana-infused Product”; and

B. “Warning: Cognitive and physical impairment may result from the use of Marijuana”;

3. Any marijuana or marijuana-infused products packaged for retail sale before delivery to a dispensary must be packaged in opaque, re-sealable packaging designed or constructed to be signifi-

cantly difficult for children under five (5) years of age to open but not normally difficult for adults to use properly. Any marijuana or marijuana-infused products not packaged for retail sale before delivery to a dispensary must be packaged by the dispensary upon sale to a qualifying patient or primary caregiver in opaque, re-sealable packaging designed or constructed to be significantly difficult for children under five (5) years of age to open but not normally difficult for adults to use properly. All edible marijuana-infused products must be packaged for retail by the infused-products manufacturer before transfer to a dispensary;

4. Marijuana and marijuana-infused products shall bear a label displaying the following information, in the following order:

A. The total weight of the marijuana included in the package:

(I) For dried, unprocessed marijuana, weight shall be listed in ounces or grams;

(II) For concentrates, weight shall be listed in grams; or

(III) For infused products, weight shall be listed by milligrams of THC;

B. Dosage amounts, instructions for use, and estimated length of time the dosage will have an effect;

C. The THC, tetrahydrocannabinol acid, cannabidiol, cannabidiol acid, and cannabinol concentration per dosage;

D. All active and inactive ingredients, which shall not include groupings of ingredients that obscure the actual ingredients, such as “proprietary blend” or “spices”;

E. In the case of dried, unprocessed marijuana, the name, as recorded with the Missouri Office of the Secretary of State, of the cultivating facility from which the marijuana in the package originated and, in the case of infused products, the name of the infused-product manufacturer, as recorded with the Missouri Office of the Secretary of State; and

F. A “best if used by” date;

5. No branding, artwork, or other information or design elements included on marijuana or marijuana-infused products shall be placed in such a way as to obscure any of the information required by this section;

6. Marijuana and marijuana-infused product packaging shall not include claims of health benefits but may include health warnings; and

7. Marijuana and marijuana-infused products must, at all times, be tagged with traceability information generated by the statewide track and trace system.

(L) Cultivation, manufacturing, dispensary, and testing facilities that transport medical marijuana must also comply with 19 CSR 30-95.100(2)(D) in doing so.

(M) Signage and advertising on facility premises must comply with the following:

1. A facility may not display marijuana, marijuana paraphernalia, or advertisements for these items in a way that is visible to the general public from a public right-of-way; and

2. Outdoor signage and, if visible to the public, interior signage, must comply with any local ordinances for signs or advertising and—

A. May not display any text other than the facility’s business name or trade name, address, phone number, and website; and

B. May not utilize images or visual representations of marijuana plants, products, or paraphernalia, including representations that indicate the presence of these items, such as smoke.

(5) Facility Inspections.

(A) Submission of an application for a facility license or certification constitutes consent to inspection by the department. A department inspector conducting an inspection pursuant to this section need not give prior notice of the inspection and, during the inspection, must be given access to all areas and property of the facility, including vehicles, wherever located, without delay.

1. The department will enter and inspect at least annually, with or without notice, to ensure compliance with this chapter.

2. The department may also, at any time it determines an

inspection is needed, conduct an inspection, including an inspection of any part of the premises, qualifications of personnel, methods of operation, records, and policies and procedures of a licensed or certified facility.

(B) Once a licensed or certified facility believes it will, within a month, be ready to begin operations and meet all state and local requirements for its facility, it shall request that the department conduct a commencement inspection to confirm the facility is in compliance with all requirements of this chapter.

(C) Violations, Compliance Verification Inspections, and Suspension.

1. If the department determines, during an inspection or otherwise, that a facility is not in compliance with the department's regulations, the department will issue an Initial Notice of Violation to the facility that explains how the facility has violated the department's regulations and what remedial actions the department expects the facility to take to correct the violation(s).

2. Once a facility has been notified of violation(s), the facility shall correct the violations within fifteen (15) days, and the department will conduct a follow-up inspection within fifteen (15) to thirty (30) days to confirm the facility has corrected the violation(s). The facility shall notify the department if it believes it needs additional time to correct the violation(s), which the department may grant for good cause.

3. If the department's follow-up inspection reveals the violation(s) have not been corrected, the department will issue a Final Notice of Violation to the facility explaining how the facility continues to violate the department's regulations, what remedial actions the department expects the facility to take, and notifying the facility that its license or certifications will be suspended if the specified remedial action is not taken and the violation(s) corrected within thirty (30) days.

4. If the violation(s) have not been corrected thirty (30) days after a Final Notice of Violation and no extension of this deadline has been granted by the department, the facility's license or certification will be suspended, the facility will be required to cease operations, and the facility must sign a corrective action plan designed to bring the facility into compliance.

(D) Upon receipt of complaint against a facility, the department will determine whether an inspection is warranted to investigate the allegations in the complaint, and, if so, the department will, at the time of inspection, provide the facility with a copy of the complaint and an opportunity to respond to the complaint. Employees of a facility who report potential violations by a facility to the department may not be subjected to retaliation of any kind, including termination, because of their report.

(E) If, at any time, the department determines a facility presents an immediate and serious threat to the health and safety of the public or of the facility's employees, the department may order the facility to immediately suspend all or a part of its operations until the threat has been eliminated.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
SECTION FOR MEDICAL MARIJUANA REGULATION
MEDICAL MARIJUANA REGULATORY PROGRAM
OWNERSHIP STRUCTURE FORM

OWNER INFORMATION – Pursuant to 19 CSR 30-95.040, all entities that own any portion of the economic or voting interests of the applicant facility must be listed on this form. Natural persons whose ownership interest contributes to the facility's claim that it is majority owned by Missouri residents must be listed on this form in their individual capacity and must include a residence address in the "Address" field as well as the name of the business entity in which he or she holds an economic or voting interest. Refer to 19 CSR 30-95.010 for applicable definitions. Use additional sheets as necessary.

BUSINESS ENTITY NAME AND TAX NUMBER		% ECONOMIC INTEREST	% VOTING INTEREST
LAST NAME	FIRST NAME		MIDDLE INITIAL
SOCIAL SECURITY NUMBER		DATE OF BIRTH (MM-DD-YYYY)	
ADDRESS			UNIT/APT NO
CITY	STATE	COUNTY	ZIP CODE
PHONE NUMBER	EMAIL ADDRESS		
NATURAL PERSON CLAIMING RESIDENCY FOR PURPOSES OF MAJORITY OWNERSHIP CALCULATION? <input type="checkbox"/> YES <input type="checkbox"/> NO			

BUSINESS ENTITY NAME AND TAX NUMBER		% ECONOMIC INTEREST	% VOTING INTEREST
LAST NAME	FIRST NAME		MIDDLE INITIAL
SOCIAL SECURITY NUMBER		DATE OF BIRTH (MM-DD-YYYY)	
ADDRESS			UNIT/APT NO
CITY	STATE	COUNTY	ZIP CODE
PHONE NUMBER	EMAIL ADDRESS		
NATURAL PERSON CLAIMING RESIDENCY FOR PURPOSES OF MAJORITY OWNERSHIP CALCULATION? <input type="checkbox"/> YES <input type="checkbox"/> NO			

BUSINESS ENTITY NAME AND TAX NUMBER		% ECONOMIC INTEREST	% VOTING INTEREST
LAST NAME	FIRST NAME		MIDDLE INITIAL
SOCIAL SECURITY NUMBER		DATE OF BIRTH (MM-DD-YYYY)	
ADDRESS			UNIT/APT NO
CITY	STATE	COUNTY	ZIP CODE
PHONE NUMBER	EMAIL ADDRESS		
NATURAL PERSON CLAIMING RESIDENCY FOR PURPOSES OF MAJORITY OWNERSHIP CALCULATION? <input type="checkbox"/> YES <input type="checkbox"/> NO			

AUTHORITY: Sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

EMERGENCY RULE

19 CSR 30-95.050 Cultivation Facility

PURPOSE: Under Article XIV, Section 1 of the Missouri Constitution, the Department of Health and Senior Services has the authority to regulate and control Medical Marijuana Facilities. This rule explains what regulations apply only to Cultivation Facilities.

EMERGENCY STATEMENT: This emergency rule informs the public of what regulations for the implementation of Article XIV, Section 1 apply only to cultivation facilities. This rule is necessary to comply with Article XIV, Section 1 of the Missouri Constitution, which became effective on December 6, 2018. Article XIV, Section 1 requires that the department make available to the public application forms and instructions for qualifying patient, primary caregiver, and patient cultivation identification cards, as well as for medical marijuana cultivation, testing, dispensary, and infused products manufacturing facilities. In order to make available the forms and instructions for all of these types of applications, it is necessary to promulgate rules for the processes and regulatory functions related to these applications. Without such rules, the department will be unable to efficiently regulate and control the cultivation, manufacturing, and sale of marijuana for medical use or provide a mechanism and regulatory structure through which qualified patients and their caregivers may access medical marijuana. As a result, the department finds a compelling governmental interest in promoting the health and safety of Missouri residents who wish to use marijuana for medical purposes, requiring this emergency action. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed May 24, 2019, becomes effective June 3, 2019, and expires February 27, 2020.

(1) Cultivation Facility Licenses.

(A) The number of cultivation facility licenses will be limited to sixty (60) unless the department determines the limit must be increased in order to meet the demand for medical marijuana by qualifying patients.

(B) A facility license will be issued for a single facility in a single location. Combinations of licenses at the same location must be approved pursuant to 19 CSR 30-95.040(4)(C).

(2) Cultivation Facility Requirements. In addition to the requirements for cultivation facilities in 19 CSR 30-95.040, cultivation facilities shall also comply with the following:

(A) Cultivation facilities may cultivate medical marijuana in indoor, outdoor, or greenhouse facilities.

1. Each indoor facility utilizing artificial lighting will be limited to no more than thirty thousand (30,000) square feet of flowering plant canopy space.

2. Each outdoor facility utilizing natural lighting will be limited to no more than two thousand eight hundred (2,800) flowering plants.

3. Each greenhouse facility using a combination of natural and artificial lighting will be limited to, at the election of the licensee, either no more than two thousand eight hundred (2,800) flowering plants or no more than thirty thousand (30,000) square feet of flowering plant canopy space.

4. If a cultivation facility is operating with multiple cultivation licenses in the same location, the size limitations of the cultivation facility will be multiplied by the number of licenses;

(B) Facilities must keep records, by month and by batch, of all pesticides, herbicides, fertilizers, and other agricultural chemicals applied to marijuana plants and growing medium during production and processing at its facility for at least five (5) years;

(C) Facilities, except those in rural, unincorporated agricultural areas, must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources;

(D) Cultivation facilities must ensure all facility employees are trained in at least the following:

1. The use of security measures and controls that have been adopted by the facility for the prevention of diversion, inversion, theft, or loss of marijuana;

2. Proper use of the statewide track and trace system;

3. Procedures for responding to an emergency, including severe weather, fire, natural disasters, and unauthorized intrusions;

4. Standards for maintaining the confidentiality of information related to the medical use of marijuana, including, but not limited to, compliance with the Health Insurance Portability and Accountability Act of 1996;

5. The methods of cultivation used by the facility; and

6. The facility's safety and sanitation procedures;

(E) Cultivation facilities shall not transfer medical marijuana from the facility, except to a testing facility, until the medical marijuana has been tested by a testing facility, according to the provisions of 19 CSR 30-95.070, and the cultivation facility has received verification from the testing facility that the medical marijuana passed all required testing;

(F) Cultivation facilities may only transport medical marijuana—

1. That the facility cultivated;

2. To a dispensary, testing, or manufacturing facility; and

3. If the facility complies with the requirements of 19 CSR 30-95.100(2); and

(G) Cultivation facilities shall store all medical marijuana—

1. At the approved location of the facility; or

2. In offsite warehouses that comply with the security requirements of 19 CSR 30-95.040(4)(H), the location requirements of 19 CSR 30-95.040(4)(B), and that have been approved pursuant to 19 CSR 30-95.040(3)(C).

AUTHORITY: Sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

EMERGENCY RULE

19 CSR 30-95.060 Infused Products Manufacturing Facility

PURPOSE: Under Article XIV, Section 1 of the Missouri Constitution, the Department of Health and Senior Services has the

authority to regulate and control Medical Marijuana Facilities. This rule explains what regulations apply only to Infused Products Manufacturing Facilities.

EMERGENCY STATEMENT: This emergency rule informs the public of what regulations for the implementation of Article XIV, Section 1 apply only to infused products manufacturing facilities. This rule is necessary to comply with Article XIV, Section 1 of the *Missouri Constitution*, which became effective on December 6, 2018. Article XIV, Section 1 requires that the department make available to the public application forms and instructions for qualifying patient, primary caregiver, and patient cultivation identification cards, as well as for medical marijuana cultivation, testing, dispensary, and infused products manufacturing facilities. In order to make available the forms and instructions for all of these types of applications, it is necessary to promulgate rules for the processes and regulatory functions related to these applications. Without such rules, the department will be unable to efficiently regulate and control the cultivation, manufacturing, and sale of marijuana for medical use or provide a mechanism and regulatory structure through which qualified patients and their caregivers may access medical marijuana. As a result, the department finds a compelling governmental interest in promoting the health and safety of Missouri residents who wish to use marijuana for medical purposes, requiring this emergency action. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed May 24, 2019, becomes effective June 3, 2019, and expires February 27, 2020.

(1) Infused Products Manufacturing Facility Licenses.

(A) The number of manufacturing facility licenses will be limited to eighty-six (86) unless the department determines the limit must be increased in order to meet the demand for medical marijuana by qualifying patients.

(B) A facility license will be issued for a single facility in a single location. Combinations of licenses at the same location must be approved pursuant to 19 CSR 30-95.040(4)(C).

(2) Manufacturing Facility Requirements. In addition to the requirements for manufacturing facilities in 19 CSR 30-95.040, manufacturing facilities shall also comply with the following:

(A) Facilities must ensure all facility employees are trained in at least the following:

1. The use of security measures and controls that have been adopted by the facility for the prevention of diversion, inversion, theft, or loss of marijuana;
2. Proper use of the statewide track and trace system;
3. Procedures for responding to an emergency, including severe weather, fire, natural disasters, and unauthorized intrusions;
4. The differences between the types of infused products manufactured at that facility and their methods of production; and
5. The facility's safety and sanitation procedures;

(B) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources;

(C) Manufacturing facilities shall not transfer medical marijuana from the facility, except to a testing facility, until the medical marijuana has been tested by a testing facility, according to the provisions of 19 CSR 30-95.070, and the manufacturing facility has received verification from the testing facility that the medical marijuana passed all required testing;

(D) Manufacturing facilities may only transport medical marijuana—

1. That the facility manufactured;
2. To a dispensary, testing, or other manufacturing facility; and
3. If the facility complies with the requirements of 19 CSR 30-95.100(2);

(E) Manufacturing facilities that produce ingestible medical marijuana-infused products shall comply with the applicable food safety standards set forth in 19 CSR 20-1.025, 19 CSR 20-1.040, and 19 CSR 20-1.050, as applicable. Such facilities are prohibited from producing frozen desserts, as defined by 19 CSR 20-1.030, or acidified foods, as defined by 19 CSR 20-1.042;

(F) Manufacturing facilities shall store all medical marijuana—

1. At the approved location of the facility; or
2. In offsite warehouses that comply with the security requirements of 19 CSR 30-95.040(4)(H), the location requirements of 19 CSR 30-95.040(4)(B), and that have been approved pursuant to 19 CSR 30-95.040(3)(C); and

(G) Manufacturing facilities that use volatile solvents shall install air-handling systems and other controls designed to minimize the risks of explosions and fires. These controls should include systems to prevent ignition; plans for safe storage, use, and disposal of solvents; and policies for continuous staff monitoring of all processes involving volatile solvents.

AUTHORITY: Sections 1.3.(1)(b), 1.3.(2), and 1.3.(3) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

EMERGENCY RULE

19 CSR 30-95.070 Testing Facility

PURPOSE: Under Article XIV, Section 1 of the *Missouri Constitution*, the Department of Health and Senior Services has the authority to regulate and control Medical Marijuana Facilities. This rule explains what regulations apply only to Testing Facilities.

EMERGENCY STATEMENT: This emergency rule informs the public of what regulations for the implementation of Article XIV, Section 1 apply only to testing facilities. This rule is necessary to comply with Article XIV, Section 1 of the *Missouri Constitution*, which became effective on December 6, 2018. Article XIV, Section 1 requires that the department make available to the public application forms and instructions for qualifying patient, primary caregiver, and patient cultivation identification cards, as well as for medical marijuana cultivation, testing, dispensary, and infused products manufacturing facilities. In order to make available the forms and instructions for all of these types of applications, it is necessary to promulgate rules for the processes and regulatory functions related to these applications. Without such rules, the department will be unable to efficiently regulate and control the cultivation, manufacturing, and sale of marijuana for medical use or provide a mechanism and regulatory structure through which qualified patients and their caregivers may access medical marijuana. As a result, the department finds a compelling governmental interest in promoting the health and safety of Missouri residents who wish to use marijuana for medical purposes, requiring this emergency action. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and

United States Constitutions. *The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed May 24, 2019, becomes effective June 3, 2019, and expires February 27, 2020.*

(1) Access to Testing Facility Certifications. The number of testing facility certifications will be limited to ten (10) unless the department determines the limit must be increased in order to meet the demand for medical marijuana by qualifying patients.

(2) Testing Facility Requirements. In addition to the requirements of 19 CSR 30-95.040, testing facilities shall also comply with the following:

(A) Testing facilities must ensure all facility employees are trained in at least the following:

1. The use of security measures and controls that have been adopted by the facility for the prevention of diversion, inversion, theft, or loss of marijuana;
2. Proper use of the statewide track and trace system; and
3. Procedures for responding to an emergency, including severe weather, fire, natural disasters, and unauthorized intrusions;

(B) Testing facilities shall comply with International Organization for Standardization (ISO) 17025 standards for personnel at all times;

(C) During any periods of time when a facility no longer complies with ISO 17025 standards for personnel, the facility shall not conduct testing of medical marijuana. Upon return to compliance, the facility shall not resume testing until the department conducts an inspection of the facility;

(D) Testing facilities shall become fully accredited to the standard set forth by ISO 17025 by an International Laboratory Accreditation Cooperation recognized accreditation body. Testing facilities shall achieve such accreditation within one (1) year of the date the facility receives department approval to operate and shall maintain its accreditation as long the facility holds a certification.

1. The scope of the accreditation shall include all medical marijuana testing performed at the facility.

2. Loss of accreditation shall be reported to the department by the testing facility within twenty-four (24) hours of the testing facility receiving notice of the loss.

3. Inspection and audit reports from the accrediting body shall be submitted to the department by the testing facility within ten (10) days of receipt;

(E) Testing facilities shall participate in a proficiency testing program provided by an organization that operates in conformance with the requirements of ISO/IEC 17043 at least twice in a calendar year.

1. The facility shall notify the department of the proficiency testing provider the facility chooses, and the department will work with the proficiency testing provider to determine the schedule the provider will follow when sending proficiency testing samples to facilities for analysis.

2. The facility shall analyze proficiency test samples using the same procedures and equipment as used for testing medical marijuana.

3. Upon receipt of proficiency test results, the facility shall submit copies of those results to the department;

(F) Testing facilities shall install and maintain security equipment designed to prevent unauthorized entrance into limited access areas, which shall include any area where medical marijuana is tested, stored, or disposed, and to prevent diversion and inversion of medical marijuana including:

1. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular or private radio signals, or other mechanical or electronic devices;

2. Electronic monitoring, including:

A. At least one (1) call-up monitor that is nineteen inches (19") or more;

B. A printer capable of immediately producing a clear still

photo from any video camera image;

C. Video cameras with a recording resolution of at least 1920 x 1080, or the equivalent, at a rate of at least fifteen (15) frames per second, that operate in such a way as to allow identification of people and activities in the monitored space, and that provide coverage of—

(I) All entrances and exits from limited access areas, including windows; and

(II) All areas in which medical marijuana is tested, stored, or disposed, from at least two (2) angles;

D. A method for storing recordings from the video cameras for at least sixty (60) days in a secure on-site or off-site location or through a service or network that provides on-demand access to the recordings and that allows for providing copies of the recordings to the department upon request and at the expense of the facility;

E. A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and

F. Sufficient battery backup for video cameras and recording equipment to support at least sixty (60) minutes of recording in the event of a power outage;

3. Controlled entry to limited access areas, which shall be controlled by electronic card access systems, biometric identification systems, or other equivalent means. Access information shall be recorded, and all records of entry to limited access areas shall be maintained for at least one (1) year;

(G) Testing facilities shall maintain all sampling and testing records for five (5) years; and

(H) Testing facilities may only transport medical marijuana—

1. That the facility intends to test;

2. From cultivation, dispensary, manufacturing, and other testing facilities;

3. If the facility complies with the requirements of 19 CSR 30-95.100(2).

(3) Sampling Requirements.

(A) Sampling and testing of medical marijuana shall be done at the lot level.

(B) Sampling and testing of each harvest lot or process lot shall be conducted with representative samples such that there is assurance that all lots are adequately assessed for contaminants and that the cannabinoid profile is consistent throughout.

1. In the case of dry, unprocessed marijuana, the maximum amount of marijuana from which a sample may be selected is fifteen pounds (15 lbs.), and a minimum of zero point five percent (0.5%) of a harvest lot will be sampled for testing.

2. In the case of concentrates and extracts, the amount of material required for sampling is—

Process Lot Weight		Sample Increments Required (1±0.2 g)
Pounds	Kilograms	
0-0.50	0-0.23	4
0.51-1.5	0.24-0.68	8
1.51-3.00	0.69-1.36	12
3.01-6.00	1.37-2.72	16
6.01-10.00	2.73-4.58	20
10+	4.58+	32

3. In the case of all other infused products, the amount of material required for sampling is—

Units for Sale	Sample Increments
2-15	2
16-50	3
51-150	5
151-500	8
501-3,200	13
3,201 – 35,000+	20

(4) Testing Requirements.

(A) Testing facilities shall test all lots of medical marijuana produced by cultivation or infused products manufacturing facilities. Testing shall only be performed on the final medical marijuana product equivalent to what will be dispensed to the patient.

(B) Mandatory testing requirements may only be met through testing of samples collected by the testing facility according to section (3) of this rule.

(C) Upon request from a licensed cultivation, manufacturing, or dispensary facility, testing facilities may also test material received directly from the facility, including:

1. Medical marijuana plants at any stage of growth;
2. Infused products at any stage of production; and
3. Components used for the production of final medical marijuana product, such as water or growing materials.

(D) Within five (5) business days of collecting a sample, the testing facility shall file a report in the statewide track and trace system detailing all test results and stating whether the lot passed or failed each required test. Filing of this report must coincide with or precede any notice of test results to the originating facility.

(E) Testing of the cannabinoid profile of the final medical marijuana product shall include those analytes listed below, and the acceptable limits for each analyte will be a percentage deviation from the mean in concentration throughout the lot of fifteen percent (15%) or less:

1. Delta-9 tetrahydrocannabinol (THC), CAS number 1972-08-3;
2. Tetrahydrocannabinol acid (THCA), CAS number 23978-85-0;
3. Cannabidiol (CBD), CAS number 13956-29-1;
4. Cannabidiolic acid (CBDA), CAS number 1244-58-2; and
5. Cannabinol (CBN), CAS number 521-35-7.

(F) Testing for contaminants in the final medical marijuana product shall include, but shall not be limited to:

1. Microbial screening. A test will fail if it shows—
 - A. A mycotoxin concentration, including aflatoxins and ochratoxin A, of greater than 20 micrograms per kilogram;
 - B. Pathogenic *E. coli* or salmonella concentrations detectable in 1 gram; and
 - C. Pathogenic *Aspergillus* species *A. fumigatus*, *A. flavus*, *A. niger*, or *A. terreus* detectable in 1 gram;
2. Chemical residue screening. A test will fail if it shows—

Banned Analytes	Chemical Abstract Services (CAS) Registry number	Action Limit (ppm)
Abamectin	71751-41-2	> 0.5
Acephate	30560-19-1	> 0.4
Acequinocyl	57960-19-7	> 2
Acetamiprid	135410-20-7	> 0.2
Aldicarb	116-06-3	> 0.4
Azoxystrobin	131860-33-8	> 0.2
Bifenazate	149877-41-8	> 0.2
Bifenthrin	82657-04-3	> 0.2
Boscalid	188425-85-6	> 0.4
Carbaryl	63-25-2	> 0.2
Carbofuran	1563-66-2	> 0.2
Chlorantraniliprole	500008-45-7	> 0.2
Chlorfenapyr	122453-73-0	> 1
Chlormequat Chloride	7003-89-6	> 0.2
Chlorpyrifos	2921-88-2	> 0.2
Clofentezine	74115-24-5	> 0.2
Cyfluthrin	68359-37-5	> 1
Cypermethrin	52315-07-8	> 1
Daminozide	1596-84-5	> 1
DDVP (Dichlorvos)	62-73-7	> 1
Diazinon	333-41-5	> 0.2
Dimethoate	60-51-5	> 0.2
Ethoprophos	13194-48-4	> 0.2
Etofenprox	80844-07-1	> 0.4
Etoxazole	153233-91-1	> 0.2
Fenoxycarb	72490-01-8	> 0.2
Fenpyroximate	134098-61-6	> 0.4
Fipronil	120068-37-3	> 0.4
Flonicamid	158062-67-0	> 1
Fludioxonil	131341-86-1	> 0.4
Hexythiazox	78587-05-0	> 1
Imazalil	35554-44-0	> 0.2
Imidacloprid	138261-41-3	> 0.4
Kresoxim-methyl	143390-89-0	> 0.4
Malathion	121-75-5	> 0.2
Metalaxyl	57837-19-1	> 0.2
Methiocarb	2032-65-7	> 0.2
Methomyl	16752-77-5	> 0.4
Methyl parathion	298-00-0	> 0.2
MGK-264	113-48-4	> 0.2
Myclobutanil	88671-89-0	> 0.2
Naled	300-76-5	> 0.5
Oxamyl	23135-22-0	> 1
Paclobutrazol	76738-62-0	> 0.4
Permethrins*	52645-53-1	> 0.2
Prallethrin	23031-36-9	> 0.2
Phosmet	732-11-6	> 0.2
Piperonyl butoxide	51-03-6	> 2
Propiconazole	60207-90-1	> 0.4
Propoxur	114-26-1	> 0.2
Pyridaben	96489-71-3	> 0.2
Pyrethrins+	8003-34-7	> 1
Spinosad	168316-95-8	> 0.2
Spiromesifen	283594-90-1	> 0.2
Spirotetramat	203313-25-1	> 0.2
Spiroxamine	118134-30-8	> 0.4
Tebuconazole	80443-41-0	> 0.4
Thiacloprid	111988-49-9	> 0.2
Thiamethoxam	153719-23-4	> 0.2
Trifloxystrobin	141517-21-7	> 0.2
Spirotetramat	203313-25-1	> 0.2
Spiroxamine	118134-30-8	> 0.4
Tebuconazole	80443-41-0	> 0.4
Thiacloprid	111988-49-9	> 0.2
Thiamethoxam	153719-23-4	> 0.2
Trifloxystrobin	141517-21-7	> 0.2

* Permethrins cumulative residue of cis- and trans-permethrin isomers
+ Pyrethrins cumulative residues of pyrethrin 1, cinerin 1 and jasmolin 1

3. Heavy metal screening. A test will fail if it shows—

Metal	Failure Level for Medical Marijuana (Meant for Inhalation) (ppm)	Failure Level for Medical Marijuana-Infused Products (ppm)
Inorganic Arsenic	> 0.2	> 1.5
Cadmium	> 0.2	> 0.5
Total Chromium	> 0.6	> 2.0
Lead	> 0.5	> 0.5
Mercury	> 0.1	> 3.0

4. Residual solvents. A test will fail if it shows—

Solvent	Chemical Abstract Services (CAS) Registry number	Failure Level for Medical Marijuana (Inhalation) (ppm)	Failure Level for Medical Marijuana-Infused Products (ppm)
1,2-Dichloroethane	107-06-2	> 2	> 5
Acetone	67-64-1	> 750	> 5000
Acetonitrile	75-05-8	> 60	> 410
Benzene	71-43-2	> 1	> 2
Butanes (all isomers)	106-97-8	> 800	> 5000
Chloroform	67-66-3	> 2	> 60
Ethanol	64-17-5	> 1000	> 5000
Ethyl acetate	141-78-6	> 400	> 5000
Ethyl ether	60-29-7	> 500	> 5000
Ethylene Oxide	75-21-8	> 5	> 50
Heptane	142-82-5	> 500	> 5000
Hexanes (all isomers)	11054-3	> 50	> 290
Isopropyl alcohol	67-63-0	> 500	> 5000
Methanol	67-56-1	> 250	> 3000
Methylene chloride	75-09-2	> 125	> 600
Pentanes (all isomers)	109-66-0	> 750	> 5000
Propane	74-98-6	> 2100	> 5000
Toluene	79-01-6	> 150	> 890
Trichloroethylene	108-88-3	> 25	> 80
Total Xylenes (ortho-, meta-, para-)	1330-20-7	> 150	> 2170

5. Water activity and moisture content screening. A test will fail if it shows, for dry, unprocessed marijuana, water activity that exceeds 0.65 Aw and moisture content that is not between 5.0% and 13.0%; and

6. Foreign matter screening. A test will fail if it shows—

- A. More than 5.0% of stems 3 mm or more in diameter; or
- B. More than 2.0% of other foreign matter (mites, hair, dirt, etc.).

(5) Medical marijuana that fails mandatory testing shall not be retested and will be immediately placed on hold by the testing facility through the statewide track and trace system pending disposal or remediation.

(6) Testing facilities may acquire from cultivation, manufacturing, and dispensary facilities raw material, such as plant material, concentrates, extracts, and infused products, for testing method develop-

ment.

(7) Testing facilities shall retain any portion of a sample that was not used in the testing process for, at a minimum, forty-five (45) business days after testing is complete.

(A) Excess sample material shall be securely stored in a manner that prohibits sample degradation, contamination, and tampering and available to the department upon request.

(B) When no longer subject to retention, sample material shall be disposed pursuant to 19 CSR 30-90.070(4)(E).

AUTHORITY: Sections 1.3.(1)(b), 1.3.(2), 1.3.(3), and 1.3.(4) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

EMERGENCY RULE

19 CSR 30-95.080 Dispensary Facility

PURPOSE: Under Article XIV, Section 1 of the Missouri Constitution, the Department of Health and Senior Services has the authority to regulate and control Medical Marijuana Facilities. This rule explains what regulations apply only to Dispensary Facilities.

EMERGENCY STATEMENT: This emergency rule informs the public of what regulations for the implementation of Article XIV, Section 1 apply only to dispensary facilities. This rule is necessary to comply with Article XIV, Section 1 of the Missouri Constitution, which became effective on December 6, 2018. Article XIV, Section 1 requires that the department make available to the public application forms and instructions for qualifying patient, primary caregiver, and patient cultivation identification cards, as well as for medical marijuana cultivation, testing, dispensary, and infused products manufacturing facilities. In order to make available the forms and instructions for all of these types of applications, it is necessary to promulgate rules for the processes and regulatory functions related to these applications. Without such rules, the department will be unable to efficiently regulate and control the cultivation, manufacturing, and sale of marijuana for medical use or provide a mechanism and regulatory structure through which qualified patients and their caregivers may access medical marijuana. As a result, the department finds a compelling governmental interest in promoting the health and safety of Missouri residents who wish to use marijuana for medical purposes, requiring this emergency action. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed May 24, 2019, becomes effective June 3, 2019, and expires February 27, 2020.

(1) Access to Dispensary Facility Licenses.

(A) The number of dispensary facility licenses will be limited to one hundred ninety-two (192) unless the department determines the limit must be increased in order to meet the demand for medical marijuana by qualifying patients.

(B) Dispensary facility licenses will be limited to twenty-four (24) in each of the eight (8) United States congressional districts in the state of Missouri as drawn and in effect on December 6, 2018. A

map of the state of Missouri showing the applicable boundary lines of Missouri's congressional districts will be available on the department's website at <http://medicalmarijuana.mo.gov>.

(C) A facility license will be issued for a single facility in a single location. Combinations of licenses at the same location must be approved pursuant to 19 CSR 30-95.040(4)(C).

(2) Dispensary Facility Requirements. In addition to the requirements of 19 CSR 30-95.040, dispensary facilities shall also comply with the following:

(A) Dispensary facilities must ensure all facility employees are trained in at least the following:

1. The use of security measures and controls that have been adopted by the facility for the prevention of diversion, inversion, theft, or loss of marijuana;

2. Proper use of the statewide track and trace system;

3. Procedures for responding to an emergency, including severe weather, fire, natural disasters, and unauthorized intrusions;

4. Standards for maintaining the confidentiality of information related to the medical use of marijuana, including, but not limited to, compliance with the Health Insurance Portability and Accountability Act;

5. Procedures for verifying the identity and purchase limitations of qualifying patients and primary caregivers;

6. The differences in the purported effects and effectiveness of the strains of medical marijuana available for purchase at that dispensary and the methods of their use; and

7. Recognizing signs of medical marijuana abuse in patients;

(B) Dispensary facilities must make available to all customers patient education materials that include at least the following:

1. Local resources for concerns about addiction, as well as the phone number for the Substance Abuse and Mental Health Services Administration's National Helpline;

2. Information about the different strains of medical marijuana available at that dispensary and the purported effects of the different strains;

3. Information about the purported effectiveness of various methods, forms, and routes of administering medical marijuana;

4. Information about potential risks and possible side effects of medical marijuana use, including risk of poisoning and the phone number for the closest poison control center; and

5. The prohibition on consuming marijuana for medical use in a public place, including the definition of what constitutes a public place pursuant to this rule;

(C) Dispensary facilities must, for every transaction—

1. Receive the transaction order at the dispensary directly from the qualifying patient or primary caregiver in person, by phone, or via the internet, and not from a third party;

2. At the time of sale, verify through the statewide track and trace system that the qualifying patient or primary caregiver is currently authorized to purchase the amount of medical marijuana requested and, in the case of a seed purchase, that the patient or primary caregiver is currently authorized to cultivate medical marijuana;

3. In the case of a delivery order, receive payment before the medical marijuana leaves the dispensary, subject to refund if the delivery cannot be completed; and

4. At the time of sale or delivery, require production of a qualifying patient or primary caregiver identification card, a government-issued photo ID, and in the case of medical marijuana seed purchases, a patient cultivation identification card;

(D) Dispensary facilities must report any incident of theft or attempted theft of medical marijuana to the department within twenty-four (24) hours of the incident;

(E) Dispensary facilities must design their facility and staffing in such a way as to accomplish the following:

1. The general public, qualifying patients, and primary caregivers may only enter the facility through one (1) access point into an area where facility agents shall screen individuals for qualifying

patient or primary caregiver status. No medical marijuana may be accessible in this area;

2. Only qualifying patients, primary caregivers, and, if requested by a qualifying patient, up to two (2) additional persons to support the qualifying patient, may enter any areas beyond the facility's access point area; and

3. In any limited access area where medical marijuana is accessible, the facility shall only allow access at any given time for a number of qualifying patients and/or primary caregivers equal to the number of staff available to serve those individuals at that time;

(F) Dispensary facilities shall not sell medical marijuana until the medical marijuana has been tested by a testing facility, according to the provisions of 19 CSR 30-95.070, and been verified as passing all required testing;

(G) Dispensary facilities may only transport medical marijuana—

1. To qualifying patients, primary caregivers, testing, manufacturing, and other dispensary facilities; and

2. If the facility complies with the requirements of 19 CSR 30-95.100(2);

(H) Dispensary facilities that sell ingestible medical marijuana-infused products shall comply with the applicable food safety standards set forth in 19 CSR 20-1.025;

(I) Dispensary facilities shall store all medical marijuana—

1. At the approved location of the facility; or

2. In offsite warehouses that comply with the security requirements of 19 CSR 30-95.040(4)(H), the location requirements of 19 CSR 30-95.040(4)(B), and that have been approved pursuant to 19 CSR 30-95.040(3)(C);

(J) Dispensary facilities shall only sell medical marijuana seeds acquired from cultivation facilities;

(K) Dispensary facilities shall not sell medical marijuana to a qualifying patient or primary caregiver in amounts greater than what that individual is currently authorized to purchase per the statewide track and trace system;

(L) Dispensary facilities shall not sell medical marijuana seeds to a qualifying patient or primary caregiver who is not currently authorized to cultivate medical marijuana;

(M) Dispensary facilities may accept returns and issue refunds or credits as needed except that medical marijuana that has been removed from the packaging in which it arrived at the dispensary, whether removed before sale by the dispensary or after sale by a patient or caregiver, may not be accepted as a return;

(N) Dispensary facilities shall not disburse medical marijuana as part of a promotional event. If a facility disburses medical marijuana free of charge for any other reason, the facility shall record that disbursement of product in its seed-to-sale system with all relevant entries, including the qualifying patient or primary caregiver information and the amount of medical marijuana disbursed to that qualifying patient or primary caregiver;

(O) Dispensary facilities shall not allow consumption of medical marijuana on their licensed premises; and

(P) Dispensary facilities shall not allow physicians to meet with individuals on the dispensary's premises for the purpose of certifying them as qualifying patients.

AUTHORITY: Sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

EMERGENCY RULE

19 CSR 30-95.090 Seed-to-Sale Tracking

PURPOSE: Under Article XIV, Section 1 of the *Missouri Constitution*, the Department of Health and Senior Services has the authority to regulate and control Medical Marijuana Facilities. This rule explains what regulations apply to certification of seed-to-sale tracking systems.

EMERGENCY STATEMENT: This emergency rule informs the public of how the department will implement Article XIV, Section 1 of the *Missouri Constitution*. Article XIV was approved by the voters on November 6, 2018, effectively establishing an entirely new regulated industry in Missouri. The regulatory responsibilities for this new industry were assigned to the department with several important, mandated deadlines:

- June 4, 2019, is the deadline for the department to provide all application forms and instructions for patients, patient caregivers, and medical marijuana businesses.
- July 4, 2019, is when the department must begin accepting applications for patients and patient caregivers to purchase medical marijuana and to cultivate medical marijuana.
- August 3, 2019, is when the department must begin accepting applications for medical marijuana business licenses and certifications, including certifications for ancillary services related to transportation and seed-to-sale.
- December 31, 2019, is the deadline by which the department must begin approving or denying business applications.

The actions the department must take for each of these deadlines necessitate that the department have its regulatory processes and requirements designed and made public. Individuals must know what will be required of them as patients and caregivers before they can decide whether they want to apply, and they must know how to apply. The department must have a regulatory scheme in order to communicate these things to patient and caregivers on June 4. Businesses must know what will be required of them as regulated entities in order to determine whether they want to invest the considerable amount of capital necessary to apply for a license or certification, much less invest what is necessary to build a business if awarded a license, and they must know how to apply for that license. The department must have a fully fleshed out regulatory scheme in order to communicate these things to businesses on August 3. Finally, while December 31, 2019, is the deadline for the department to begin awarding licenses, practically and legally, licenses may be granted as early as October 2019.

It is important to understand that per Article XIV, starting thirty days after July 4, patients and caregivers may possess and cultivate marijuana whether or not the department has issued regulations. Without a regulatory scheme, the department would not be able to fulfill its Constitutional duties, such as the duty to monitor and enforce patient purchase and possession limitations or the duty to monitor and enforce home cultivation limitations. Furthermore, on whatever date the department issues its first business license, whether December 31, 2019, or earlier, the licensed entity has a constitutional right to do certain things, such as cultivate, manufacture, and sell medical marijuana, and may do so whether or not the department had issued regulations for the operation of these business. Without a regulatory scheme for these and a multitude of other industry activities, the department would not be able to fulfill its Constitutional duties, such as the duty to ensure that all medical marijuana sold in Missouri is produced in Missouri and the duty to ensure that only Missouri residents are purchasing medical marijuana.

Article XIV is full of rights and duties, all of which require a regulatory scheme and none of which are separable from the others in such a way as to allow one regulatory scheme now and another or additional scheme later. The entire essential body of regulations must be known on June 4 when the department must make public the application forms and instructions. So, considering this timeline, the department had no choice but to file emergency rules before June 4 to regulate the startup and initial operation of the medical marijuana

industry. Failing to do so would have endangered the public health, safety, and welfare by allowing the introduction of unregulated medical marijuana into Missouri. The department and the state of Missouri have a compelling governmental interest in ensuring safe access to medical marijuana for patients and in the proper regulation and control of the medical marijuana industry, all of which require a regulatory scheme.

Section 536.025.1(2) – Fairness to all

In order to establish an emergency rule, a state agency must follow “procedures best calculated to assure fairness to all interested persons and parties under the circumstances.” The process the department established for this draft rulemaking was transparent and collaborative.

Cognizant of the lack of opportunity for public input that would result from establishing an initial regulatory system by emergency rule, the department went to great lengths to gather public input throughout its drafting process. The department began issuing draft rules on its website on February 21, 2019, and has continued to post new drafts and revisions of those drafts in waves in order to make public the incorporation of the feedback it received. The first drafts of facility-related rules were posted on March 15, 2019. The department also created a portal on its website through which anyone could submit comments and suggestions for the draft rules and through which it has received over six hundred comments. The department held public forums across Missouri to gather input on what should and should not be included in the regulations. Finally, in order to seek public and expert input on one of the most complex regulatory issues presented by Article XIV – the application scoring system – the department organized a series of public meetings with governmental and private industry experts to assist in designing the scoring system under the Constitutional guidelines. The process for drafting these emergency rules was transparent, and in effect, allowed for a rolling comment period that was three months.

Section 536.025.1(3) – Constitutional protections

Emergency rulemaking must follow “procedures which comply with the protections extended by the Missouri and United States Constitutions.” The department’s emergency rules do not violate any Constitutional protections. On the contrary, the department’s rules are designed to effectuate newly establish protections extended by Article XIV of the Missouri Constitution, such as the right of a patient to access marijuana for medical use under certain circumstances, the right of physicians to discuss with and recommend to certain patients the medical use of marijuana, and the right of a host of other professionals to participate in the design, implementation, and operation of medical marijuana businesses.

Section 536.025.1(4) – Limitation of scope

Emergency rules must be limited in scope to “the circumstances creating an emergency and requiring emergency action.” The department has done exactly this in limiting its emergency rules to only what is essential for the initial startup of this new regulated industry.

As discussed above, it was necessary for the department to establish an entire regulatory scheme before June 4 in order for patients, caregivers, and industry participants to know whether and how to participate in the medical marijuana industry. However, two primary considerations led the department to adopt a philosophy of adhering closely to only what regulations were necessary to implement the provisions of Article XIV. First, the department was aware of the lack of a public comment period, and even though it constructed a robust public comment process, this cannot take the place of the statutory necessity of a full, formal rulemaking process with all of its protections. Second, there simply wasn’t time to draft more regulations than were absolutely necessary to get the department and the public safely through the few months of this regulatory program.

In conclusion, the department believes its emergency rules comply

with all criteria listed in Section 536.025, and without these rules, the department will not be able to comply with Article XIV of the *Missouri Constitution*.

A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed May 24, 2019, becomes effective June 3, 2019, and expires February 27, 2020.

(1) Access to Seed-to-Sale Tracking System Certifications.

(A) The department will not limit the number of certifications available for seed-to-sale tracking system entities.

(B) The department will begin accepting applications for review on August 3, 2019. All complete applications received by the department that are submitted on or after that date will be approved or denied within one hundred fifty (150) days of that application's submission. An application will be considered complete if it includes all information required for applications by this rule. The department will notify an applicant if an application is incomplete and will specify in that notification what information is missing. Applicants will be given seven (7) days to provide missing information. Failure to provide missing information may result in denial of the application.

(C) The department shall charge an application fee for a seed-to-sale certification and also an annual fee once a certification is granted. The first annual fee will be due thirty (30) days after a certification is issued and shall be due annually on that same date as long as the certification remains valid. The department shall publish the current fees, including any adjustments, on its website at <http://medical-marijuana.mo.gov>. The amount of fees due will be the amount that is effective as of the due date for the fee.

(2) Application Requirements. All applications for seed-to-sale tracking system certifications shall include at least the following information:

- (A) Name and address of the applicant;
- (B) Legal name of the entity, including any fictitious business names, and a certificate of good standing from the Missouri Office of the Secretary of State;
- (C) An attestation by an owner or principle of the entity that the seed-to-sale tracking system can and will comply with this rule; and
- (D) All applicable fees or proof that all applicable fees have already been paid.

(3) Seed-to-Sale Tracking System Requirements. All seed-to-sale tracking systems used by cultivation, manufacturing, dispensary, testing, and transportation facilities shall be capable of—

(A) Interfacing with the statewide track and trace system such that a licensed or certificated facility may enter and access information in the statewide track and trace system as required for inventory control and tracking by 19 CSR 30-95.040(4)(G) and for purchase limitations by 19 CSR 30-95.080(2)(D);

(B) Providing the department with access to all information stored in the system's database;

(C) Maintaining the confidentiality of all patient data and records accessed or stored by the system such that all persons or entities other than the department may only access the information in the system that they are authorized by law to access; and

- (D) Producing analytical reports to the department regarding—
 - 1. Total quantity of daily, monthly, and yearly sales at the facility per product type;
 - 2. Average prices of daily, monthly, and yearly sales at the facility per product type; and
 - 3. Total inventory or sales record adjustments at the facility.

(4) Seed-to-Sale Tracking System Prohibitions.

(A) Before beginning operations, all certified seed-to-sale tracking

system entities shall sign the department's Medical Marijuana Application Programming Interface User Agreement.

(B) No seed-to-sale tracking system entity may sell seed-to-sale tracking services or services related to compliance with seed-to-sale tracking regulations to a licensed or certified facility if it is owned by or affiliated with an entity that currently holds a contract with the state of Missouri for any product or service related to the department's medical marijuana program.

(5) Failure to comply with this rule and failure to abide by the department's Medical Marijuana Application Programming Interface User Agreement may result in revocation of certification.

AUTHORITY: Sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

EMERGENCY RULE

19 CSR 30-95.100 Transportation Facility

PURPOSE: Under Article XIV, Section 1 of the Missouri Constitution, the Department of Health and Senior Services has the authority to regulate and control Medical Marijuana Facilities. This rule explains what regulations apply only to Transportation Facilities.

EMERGENCY STATEMENT: This emergency rule informs the public of what regulations for the implementation of Article XIV, Section 1 apply only to transportation facilities. This rule is necessary to comply with Article XIV, Section 1 of the Missouri Constitution, which became effective on December 6, 2018. Article XIV, Section 1 requires that the department make available to the public application forms and instructions for qualifying patient, primary caregiver, and patient cultivation identification cards, as well as for medical marijuana cultivation, testing, dispensary, and infused products manufacturing facilities. In order to make available the forms and instructions for all of these types of applications, it is necessary to promulgate rules for the processes and regulatory functions related to these applications. Without such rules, the department will be unable to efficiently regulate and control the cultivation, manufacturing, and sale of marijuana for medical use or provide a mechanism and regulatory structure through which qualified patients and their caregivers may access medical marijuana. As a result, the department finds a compelling governmental interest in promoting the health and safety of Missouri residents who wish to use marijuana for medical purposes, requiring this emergency action. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed May 24, 2019, becomes effective June 3, 2019, and expires February 27, 2020.

(1) Access to Transportation Facility Certifications.

(A) The department will certify all transportation facilities that can demonstrate they meet minimum standards as described in 19 CSR 30-95.025(4)(A).

(B) A facility license will be issued for a single facility with a single, primary place of business. Combinations of licenses at the same location must be approved pursuant to 19 CSR 30-95.040(4)(C).

(2) Transportation Facility Requirements. In addition to the requirements for transportation facilities in 19 CSR 30-95.040, transportation facilities shall also comply with the provisions of this section.

(A) Transportation facilities must ensure all facility employees are trained in at least the following:

1. The use of security measures and controls that have been adopted by the facility for the prevention of diversion, inversion, theft, or loss of medical marijuana;
2. Proper use of the statewide track and trace system;
3. Procedures for responding to an emergency, including severe weather, fire, natural disasters, and unauthorized intrusions; and
4. Standards for maintaining the confidentiality of information related to the medical use of marijuana, including, but not limited to, compliance with the Health Insurance Portability and Accountability Act of 1996.

(B) Transportation facilities shall transport all medical marijuana from an originating facility to a destination facility within twenty-four (24) hours. When extenuating circumstances necessitate holding medical marijuana longer than twenty-four (24) hours, the transportation facility shall notify the department of the circumstances and the location of the medical marijuana.

(C) Unless allowed by the local government, a transportation facility's primary place of business shall not be sited, at the time of application for certification or for local zoning approval, whichever is earlier, within one thousand feet (1,000') of any then-existing elementary or secondary school, daycare, or church.

1. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the property line of the facility to the closest point of the property line of the school, daycare, or church.

2. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church.

3. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.

(D) A transportation facility's primary place of business shall meet the security requirements of 19 CSR 30-95.040(4)(H). In addition to those requirements, transportation facilities shall also comply with the following:

1. All vehicles used to transport medical marijuana shall not be marked in any way that indicates medical marijuana is being transported by that vehicle and shall be equipped with at least—

A. A secure lockbox or locking cargo area made of smooth, hard surfaces that are easily cleaned for storing medical marijuana during transit;

B. A secure lockbox for storing payments and video monitoring recording equipment during transit;

C. Video monitoring of the driver and passenger compartment in the vehicle and of any space where medical marijuana is stored during transit; and

D. GPS tracking;

2. Facility agents transporting medical marijuana shall—

A. Prior to transporting medical marijuana, print an inventory manifest for the trip generated from the statewide track and trace system and create a trip plan, which shall be provided to the facility from which the medical marijuana is transported, and which shall include:

(I) The name of the facility agent(s) transporting the medical marijuana;

(II) The date and start time of transportation;

(III) The anticipated delivery time; and

(IV) The anticipated route of transportation;

B. During transport—

(I) Have facility agent identification card(s) accessible at all times;

(II) Keep a copy of the applicable inventory manifest and trip plan in the transportation vehicle, which shall be placed under the driver's seat or in a compartment beside the driver's seat for the duration of the trip;

(III) Have a means of communication accessible at all times;

(IV) Immediately report to law enforcement any vehicle accidents in which the transportation vehicle is involved; and

(V) Immediately report any loss or theft of medical marijuana to a person designated by the transportation facility for this purpose; and

C. After transport, revise the trip plan to reflect the actual route taken and the end time of transportation and deliver the revised trip plan to a person designated by the transportation facility for this purpose;

3. Any incident of theft or attempted theft of medical marijuana shall be reported to the department within twenty-four (24) hours of the incident; and

4. All trip plans and revised trip plans shall be maintained by the transportation facility for at least five (5) years.

AUTHORITY: Sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 30—Division of Regulation and Licensure Chapter 95—Medical Marijuana

EMERGENCY RULE

19 CSR 30-95.110 Physicians

PURPOSE: Under Article XIV, Section 1 of the Missouri Constitution, patients with qualifying medical conditions have the right to discuss freely with their physicians the possible benefits of medical marijuana use, and physicians have the right to provide professional advice concerning the same. This rule explains how the department will implement provisions of Article XIV, Section 1 related to Physicians.

EMERGENCY STATEMENT: This emergency rule informs the public of what regulations for the implementation of Article XIV, Section 1 apply to physicians. This rule is necessary to comply with Article XIV, Section 1 of the Missouri Constitution, which became effective on December 6, 2018. Article XIV, Section 1 requires that the department make available to the public application forms and instructions for qualifying patient, primary caregiver, and patient cultivation identification cards, as well as for medical marijuana cultivation, testing, dispensary, and infused products manufacturing facilities. In order to make available the forms and instructions for all of these types of applications, it is necessary to promulgate rules for the processes and regulatory functions related to these applications. Without such rules, the department will be unable to efficiently regulate and control the cultivation, manufacturing, and sale of marijuana for medical use or provide a mechanism and regulatory structure through which qualified patients and their caregivers may access medical marijuana. As a result, the department finds a compelling governmental interest in promoting the health and safety of Missouri residents who wish to use marijuana for medical purposes, requiring this emergency action. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of

*this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed May 24, 2019, becomes effective June 3, 2019, and expires February 27, 2020.*

(1) Physician Certification. Physicians will submit certifications electronically through a department-provided, web-based system. In the event of system unavailability, the department will arrange to accept physician certifications in an alternative, department-provided format and will notify the public of those arrangements through its website at <http://medicalmarijuana.mo.gov>.

(A) Physician certifications must be issued no earlier than thirty (30) days before the date the patient will apply for a patient identification card or renewal of a patient identification card.

(B) Physician certifications must include at least the following information:

1. The physician's name, as it appears in the records of the Missouri Division of Professional Registration;

2. The physician's licensee number;

3. Whether the physician is licensed to practice medicine or osteopathy;

4. The physician's business address, telephone number, and email address;

5. The qualifying patient's name, date of birth, and Social Security number;

6. The qualifying patient's qualifying condition;

7. The physician's recommendation for the amount of medical marijuana the qualifying patient should be allowed to purchase in a thirty- (30-) day period if the recommended amount is more than four (4) ounces of dried, unprocessed marijuana or its equivalent;

8. Statements confirming the following:

A. In the case of a non-emancipated qualifying patient under the age of eighteen (18), before certifying the qualifying patient for use of medical marijuana, the physician received the written consent of a parent or legal guardian who asserts he or she will serve as a primary caregiver for the qualifying patient;

B. The physician met with and examined the qualifying patient, reviewed the qualifying patient's medical records or medical history, reviewed the qualifying patient's current medications and allergies to medications, discussed the qualifying patient's current symptoms, and created a medical record for the qualifying patient regarding the meeting;

C. In the opinion of the physician, the qualifying patient suffers from the qualifying condition; and

D. The physician discussed with the qualifying patient risks associated with medical marijuana, including known contraindications applicable to the patient, risks of medical marijuana use to fetuses, and risks of medical marijuana use to breastfeeding infants; and

9. The signature of the physician and date on which the physician signed.

*AUTHORITY: Sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo 2016.

EXECUTIVE ORDER

19-08

WHEREAS, I have been advised by the State Emergency Management Agency that ongoing and forecast severe storm systems have caused, or have the potential to cause, damage associated with tornadoes, high winds, hail, heavy rains, flooding and flash flooding in addition to prolonged inundation and ground failure impacting communities throughout the State of Missouri; and

WHEREAS, interruptions of public services are occurring, or anticipated to occur, as a result of the severe weather event that started on April 29, 2019, and are continuing; and

WHEREAS, the severe storm systems beginning on April 29, 2019 and continue have the potential to create a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local jurisdictions and other established agencies; and

WHEREAS, the State of Missouri will continue to be proactive where the health and safety of the citizens of Missouri are concerned; and

WHEREAS, the resources of the State of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

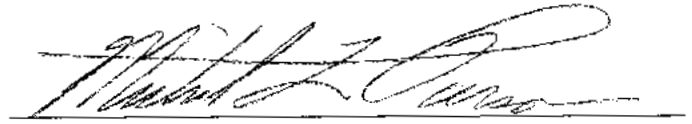
WHEREAS, an invocation of the provisions of Sections 44.100 and 44.110, RSMo, is required to ensure the protection of the safety and welfare of the citizens of Missouri:

NOW, THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, including Section 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri and direct that the Missouri State Emergency Operations Plan be activated.

I further authorize the use of state agencies to provide assistance, as needed.

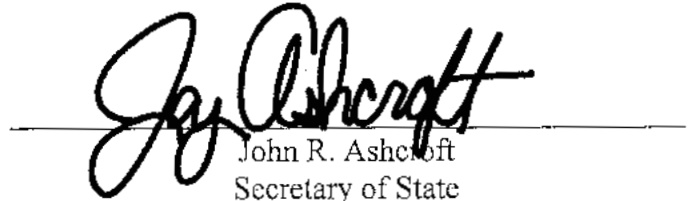
This order shall terminate on June 21, 2019, unless extended in whole or in part.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 21st day of May, 2019.



Michael L. Parson
Governor

ATTEST:



John R. Ashcroft
Secretary of State

EXECUTIVE ORDER

19-09

WHEREAS, I have been advised by the State Emergency Management Agency that the severe storm systems have caused, or have the potential to cause, damages associated with tornadoes, high winds, hail, heavy rains, flooding and flash flooding, in addition to prolonged inundation and ground failure impacting communities throughout the State of Missouri; and

WHEREAS, interruptions of public services are occurring, or have occurred, as a result of the severe weather and flooding events starting on April 29, 2019 and continuing; and

WHEREAS, the severe storm systems and flooding beginning on April 29, 2019 and continuing have created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local jurisdictions and other established agencies; and

WHEREAS, the State of Missouri will continue to be proactive where the health and safety of the citizens of Missouri are concerned; and

WHEREAS, an invocation of the provisions of Sections 44.022, 44.100, and 44.110, RSMo., are required to ensure the protection of the safety and welfare of the citizens of Missouri; and

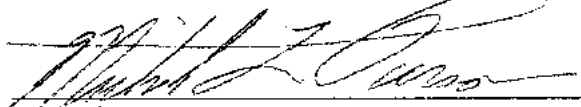
WHEREAS, on May 21, 2019, Executive Order 19-08 invoked the provisions of Sections 44.100 and 44.110, RSMo., and declared that a State of Emergency exists in the State of Missouri and directed the Missouri State Emergency Operations Plan be activated; and

WHEREAS, additional resources of the State of Missouri are needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians;

NOW, THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, including Sections 44.022, 44.100, and 44.110, RSMo., order and direct the Adjutant General of the State of Missouri, or his designee, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property. It is further ordered and directed that the Adjutant General or his designee, and through him, the commanding officer of any unit or other organization of such organized militia so called into active service, take such action and employ such equipment as may be necessary in support of civilian authorities, and provide such assistance as may be authorized and directed by the Governor of this State through the Director of the Department of Public Safety, or her designee, to coordinate with the State Emergency Management Agency and other state agencies under the direction of the Director of the State Emergency Management Agency, or his designee.


This order shall terminate on June 27, 2019, unless extended in whole or in part.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri,
in the City of Jefferson, on this 27th day of May, 2019.



Michael L. Parson
Governor

ATTEST:



John R. Ashcroft
Secretary of State



Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

PROPOSED AMENDMENT

3 CSR 10-4.135 Transportation. The commission proposes to amend section (1), add new sections (2) and (3), add new subsections (2)(A)-(2)(H) and (3)(A)-(3)(I), renumber subsequent sections, and amend new section (4) and the authority section of this rule.

PURPOSE: This amendment limits transportation of cervid carcasses into and within the state, provides provisions for transporting cervid carcasses to processors and taxidermists, and moves the requirement for processors and taxidermists to discard cervid tissue in a properly permitted landfill to another rule. This amendment also includes the addition of an allowance to transport elk hides and corrects an inaccurate reference in the authority section of the rule.

(1) Wildlife legally taken by sport hunting and fishing may be possessed and transported into, within, or out of this state as personal baggage of the taker, who has in his/her possession the required permit, or by other lawful possessor. Except for *[deer]* cervids and turkeys taken in Missouri, persons possessing wildlife taken by another shall plainly label that wildlife with the full name, address, and permit number of the taker and the date taken, except that Missouri limits shall apply on Missouri waters unless otherwise provided by reciprocal agreement. *[Deer]* **Except as otherwise provided in this rule, cervids and turkeys reported in accordance with established procedures, when labeled with the full name, address, date taken, and Telecheck confirmation number of the taker, may be possessed, transported, and stored by anyone. *[Wildlife legally taken and exported from another state or country may also be shipped into Missouri by common carrier, except cervid carcasses or cervid carcass parts. The importation, transportation, or possession of cervid carcasses or cervid carcass parts taken from or obtained outside of Missouri is prohibited, except for meat that is cut and wrapped; meat that has been boned out; quarters or other portions of meat with no part of the spinal column or head attached; hides or capes from which all excess tissue has been removed; antlers; antlers attached to skull plates or skulls cleaned of all muscle and brain tissue; upper canine teeth; and finished taxidermy products. Carcasses or parts of carcasses with the spinal column or head attached may be transported into the state only if they are reported to an agent of the department within twenty-four (24) hours of entering the state and then taken to a licensed meat processor or taxidermist within seventy-two (72) hours of entry. Licensed meat processors and taxidermists shall dispose of the discarded tissue in a properly permitted landfill.]***

(2) Any cervid taken from the wild in Chronic Wasting Disease Management Zone counties (see 3 CSR 10-4.200(1)) shall be reported through the Telecheck Harvest Reporting System as required by 3 CSR 10-7.431 prior to transporting the carcass (or parts thereof) outside the county of harvest. Carcasses (or parts thereof) from all cervids taken in Chronic Wasting Disease Management Zone counties that are transported outside the county of harvest shall be delivered to a licensed meat processor or taxidermist within forty-eight (48) hours of exit from the county of harvest, except—

- (A) Meat that is cut and wrapped;
- (B) Meat that has been boned out;
- (C) Quarters or other portions of meat with no part of the spinal column or head attached;
- (D) Hides from which all excess tissue has been removed;
- (E) Antlers;
- (F) Antlers attached to skull plates or skulls cleaned of all muscle and brain tissue;
- (G) Upper canine teeth; and
- (H) Finished taxidermy products.

(3) Wildlife legally taken and exported from another state or country may also be shipped into Missouri by common carrier, except cervid carcasses (or parts thereof). Cervid carcasses (or parts thereof) taken from or obtained outside of Missouri may not be imported, transported, or possessed in Missouri, except—

- (A) Meat that is cut and wrapped;
- (B) Meat that has been boned out;
- (C) Quarters or other portions of meat with no part of the spinal column or head attached;
- (D) Hides from which all excess tissue has been removed;
- (E) Antlers;
- (F) Antlers attached to skull plates or skulls cleaned of all muscle and brain tissue;

(G) Upper canine teeth;

(H) Finished taxidermy products; and

(I) Head with cape and not more than six inches (6") of neck attached, only if taken to a licensed taxidermist within forty-eight (48) hours of entry.

[(2)](4) In addition to personal transportation, legally possessed commercial fish, frogs, [deer] cervid hides, squirrel and rabbit pelts, and furbearer pelts and carcasses may be shipped by mail, express and freight, with truly labeled with the names and addresses of shipper and addressee, shipper's permit number, or Telecheck confirmation number, as required, and the contents of each package. Wildlife breeders, taxidermists, fur dealers, and tanners may ship according to regulations specifically provided for such permittees. Wildlife shall not be accepted for shipment unless the shipper shall have complied with the provisions of this rule.

[(3)](5) Notwithstanding other provisions of this rule, the transportation of waterfowl and other migratory birds shall be in accordance with applicable federal regulations.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2016. Original rule filed Aug. 14, 1970, effective Dec. 31, 1970. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

PROPOSED AMENDMENT

3 CSR 10-4.200 Chronic Wasting Disease; Management Zone. The commission proposes to amend section (3) of this rule.

PURPOSE: This amendment removes the specific requirement that all deer presented for Chronic Wasting Disease sample collection have least six inches (6") of neck attached.

(3) The head [with at least six inches (6") of neck attached] from any deer taken within a designated county of the Chronic Wasting Disease (CWD) Management Zone on the first Saturday and Sunday of the November portion of the deer firearms hunting season must be presented by the taker to a designated disease surveillance sampling station on the day taken. See the current Fall Deer & Turkey Hunting Regulations and Information booklet, hereby incorporated in this Code by reference, for designated counties and sampling station locations. This booklet is published annually in August by, and a printed copy can be obtained from, the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and is also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments

or additions.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Dec. 15, 2015, effective May 30, 2016. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.250 Daily Hunting or Fishing Tags. The commission proposes to amend this rule.

PURPOSE: This amendment formalizes the fee description that was previously included as a parenthetical within the Wildlife Code and increases the fee for a daily trout fishing tag required at the four (4) trout parks.

Required in addition to the prescribed permit to pursue, take, possess, and transport any wildlife on special management areas where daily permits or tags are required by regulation. **Fee: Daily trout fishing tag required from March 1 through October 31 for Bennett Spring, Montauk, and Roaring River state parks and Maramec Spring Park; four dollars (\$4) for adults and three dollars (\$3) for persons fifteen (15) years of age or younger.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Aug. 14, 1958, effective Dec. 31, 1958. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated three hundred seventy-nine thousand nine hundred thirty-four dollars (\$379,934) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.250 Daily Hunting or Fishing Tags
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 379,934 individuals	Individuals purchasing an area daily trout tag	\$379,934 annual aggregate

III. WORKSHEET

379,934 (individuals purchasing an area daily trout tag) X \$1.00 (increase in area daily trout tag price based on 75% CPI) = \$379,934

IV. ASSUMPTIONS

For the permit year 2020, we estimate 379,934 individuals acquired an area daily trout tag. We used a 75% of Consumer Price Index (CPI) to adjust the area daily trout tag. This would increase an area daily trout tag price by \$1.00.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.430 Trout Permit. The commission proposes to amend section (1) and the authority section of this rule.

PURPOSE: This amendment updates the fee for a Trout Permit to reflect a more current cost based on changes in the Consumer Price Index and corrects an inaccurate reference in the authority section of the rule.

(1) Required in addition to the prescribed fishing permit to possess and transport trout, except in areas where a daily trout fishing tag is required or as prescribed in 3 CSR 10-6.535(5). Fee: *[seven dollars (\$7)]* **ten dollars (\$10)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2016. This rule was previously filed as 3 CSR 10-5.237. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated two hundred eighty-three thousand three hundred fifty dollars (\$283,350) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PRIVATE ENTITY COST

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.430 Trout Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule: Approximately 98,718 individuals	Classification by types of the business entities which would likely be affected: Individuals purchasing a trout permit	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities: \$283,350 annual aggregate
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III. WORKSHEET

[90,182 (adults purchasing a trout permit) X \$3.00 (increase in trout permit price based on 75% CPI) + [8,536 (youths purchasing a trout permit) X \$1.50 (youths receive permit at 50% rate of full price permit)] = \$283,350

IV. ASSUMPTIONS

For the permit year 2020, we estimate 90,182 adults and 8,536 youths acquired a trout permit. We used a 75% of Consumer Price Index (CPI) to adjust the full trout permit price from price initiation or last adjustment to current year. This would increase a trout permit price by \$3.00 for adults and \$1.50 for youths (receive reduced rate by 50% of full price permit).

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.440 Daily Fishing Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Daily Fishing Permit to reflect a more current cost based on changes in the Consumer Price Index. Nonresidents purchase ninety-seven percent (97%) of all daily fishing permits.

To pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish, and live bait. Fee: *[seven dollars (\$7)]* **eight dollars (\$8)** per day. A permit may be purchased for multiple days.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated two hundred twenty-four thousand three hundred twenty-eight dollars (\$224,328) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.440 Daily Fishing Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 122,605 individuals	Individuals purchasing a daily fishing permit	\$224,328 annual aggregate

III. WORKSHEET

[66,670 (individuals purchasing a 1-day permit) X \$1.00 (daily fish permit price increase for 1-day based on 100% CPI)] + [24,452 (individuals purchasing a 2-day permit) X \$2.00 (daily fish permit price increase for 2-day based on 100% CPI)] + [21,008 (individuals purchasing a 3-day permit) X \$3.00 (daily fish permit price increase for 3-day based on 100% CPI)] + [6,645 (individuals purchasing a 4-day permit) X \$4.00 (daily fish permit price increase for 4-day based on 100% CPI)] + [3,830 (individuals purchasing a 5-day permit) X \$5.00 (daily fish permit price increase for 5-day based on 100% CPI)] = \$224,328

IV. ASSUMPTIONS

For the permit year 2020, we estimate 66,670, 24,452, 21,008, 6,645, and 3,830 individuals purchasing a 1-day, 2-day, 3-day, 4-day, and 5-day daily fishing permit, respectively. We used a 100% of Consumer Price Index (CPI) to adjust the daily permit price from price initiation or last adjustment to current year. This would increase a daily fishing permit price by \$1.00 per day.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.445 Daily Small Game Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Daily Small Game Hunting Permit to reflect a more current cost based on changes in the Consumer Price Index and adds elk to the list of mammals that cannot be taken with this permit. Nonresidents purchase one hundred percent (100%) of all daily small-game hunting permits.

To chase, pursue, take, possess, and transport birds (except wild turkey), mammals (except deer, **elk**, and furbearers), and frogs, and to chase furbearers for training dogs during the closed season. Fee: *[eleven dollars (\$11)]* **fourteen dollars (\$14)** per day. A permit may be purchased for multiple days.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 20, 1995, effective Jan. 1, 1996. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 29, 2019.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated seventy-three thousand five hundred sixty-nine dollars (\$73,569) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PRIVATE ENTITY COST

- I. Department Title: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits

Rule Number and Name:	3 CSR 10-5.445 Daily Small Game Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 13,935 individuals	Individuals purchasing a daily small game hunting permit	\$73,569 annual aggregate

III. WORKSHEET

$[7,816 \text{ (individuals purchasing a 1-day permit)} \times \$3.00 \text{ (daily small game hunting permit price increase for 1-day based on 100\% CPI)}] + [2,908 \text{ (individuals purchasing a 2-day permit)} \times \$6.00 \text{ (daily small game hunting permit price increase for 2-day based on 100\% CPI)}] + [2,376 \text{ (individuals purchasing a 3-day permit)} \times \$9.00 \text{ (daily small game hunting permit price increase for 3-day based on 100\% CPI)}] + [564 \text{ (individuals purchasing a 4-day permit)} \times \$12.00 \text{ (daily small game hunting permit price increase for 4-day based on 100\% CPI)}] + [196 \text{ (individuals purchasing a 5-day permit)} \times \$15.00 \text{ (daily small game hunting permit price increase for 5-day based on 100\% CPI)}] + [68 \text{ (individuals purchasing a 6-day permit)} \times \$18.00 \text{ (daily small game hunting permit price increase for 6-day based on 100\% CPI)}] + [17 \text{ (individuals purchasing a 7-day permit)} \times \$21.00 \text{ (daily small game hunting permit price increase for 7-day based on 100\% CPI)}] = \$73,569$

IV. ASSUMPTIONS

For the permit year 2020, we estimate 7,816, 2,908, 2,376, 564, 196, 68, and 7 individuals purchasing a 1-day, 2-day, 3-day, 4-day, 5-day, 6-day, and 7-day daily small game hunting permit, respectively. We used a 100% of Consumer Price Index (CPI) to adjust the daily permit price from price initiation or last adjustment to current year. This would increase a daily small game hunting permit price by \$3.00 per day.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.540 Nonresident Fishing Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Fishing Permit to reflect a more current cost based on changes in the Consumer Price Index.

To pursue, take, possess, and transport fish, frogs, mussels, clams, turtles, crayfish, and live bait. Fee: *[forty-two dollars (\$42)]* **forty-nine dollars (\$49).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.245. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated three hundred fifty-three thousand eight hundred ninety-two dollars (\$353,892) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.540 Nonresident Fishing Permit
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 50,556 individuals	Nonresidents purchasing a nonresident fishing permit	\$353,892 annual aggregate

III. WORKSHEET

50,556 (individuals purchasing a nonresident fishing permit) X \$7.00 (increase in nonresident fishing permit price based on 100% CPI) = \$353,892

IV. ASSUMPTIONS

For the permit year 2020, we estimate 50,556 nonresidents acquired a nonresident fishing permit. We used a 100% of Consumer Price Index (CPI) to adjust the nonresident fishing permit price from price initiation or last adjustment to current year. This would increase a nonresident fishing permit price by \$7.00.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.545 Nonresident Small Game Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Small Game Hunting Permit to reflect a more current cost based on changes in the Consumer Price Index and adds elk to the list of mammals that cannot be taken with this permit.

To chase, pursue, take, possess, and transport birds (except wild turkey), mammals (except deer, **elk**, and furbearers), and frogs, and to chase furbearers for training dogs during the closed season. Fee: *[eighty dollars (\$80)]* **ninety-four dollars (\$94)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.270. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated eighty-three thousand four hundred forty dollars (\$83,440) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.545 Nonresident Small Game Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 5,960 individuals	Nonresidents purchasing a nonresident small game hunting permit	\$83,440 annual aggregate

III. WORKSHEET

5,960 (nonresidents purchasing a nonresident small game hunting permit) X \$14.00 (small game hunting permit price increase based on 100% CPI) = \$83,440

IV. ASSUMPTIONS

For the permit year 2020, we estimate 5,960 nonresidents purchasing a nonresident small game hunting permit. We used a 100% of Consumer Price Index (CPI) to adjust the nonresident small game hunting permit price from price initiation or last adjustment to current year. This would increase a nonresident small game hunting permit price by \$14.00.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.551 Nonresident Firearms Any-Deer Hunting Permit.
The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Firearms Any-Deer Hunting Permit to reflect a more current cost based on changes in the Consumer Price Index.

To pursue, take, possess, and transport one (1) deer of either sex statewide during the firearms deer hunting season. Fee: *[two hundred twenty-five dollars (\$225)] two hundred sixty-five dollars (\$265).*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated six hundred eighty-five thousand one hundred twenty dollars (\$685,120) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.551 Nonresident Firearms Any-Deer Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 17,128 individuals	Nonresidents purchasing a Nonresident Firearms Any-Deer Hunting Permit	\$685,120 annual aggregate

III. WORKSHEET

[17,128 (nonresidents purchasing a Nonresident Firearms Any-Deer Hunting Permit) X \$40.00 (increase in Nonresident Firearms Any-Deer Hunting Permit price based on 100% CPI) = \$685,120

IV. ASSUMPTIONS

For the permit year 2020, we estimate 17,128 nonresidents acquiring a Nonresident Firearms Any-Deer Hunting Permit. The number of individuals reflects a reduction based on the estimate of the number of individuals that would now be eligible for the new reduced-rate nonresident landowner firearm deer permit. We used a 100% of Consumer Price Index (CPI) to adjust the permit price from price initiation or last adjustment to current year. This would increase a Nonresident Firearms Any-Deer Hunting Permit by \$40.00.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.552 Nonresident Firearms Antlerless Deer Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment adds a Nonresident Landowner Firearms Any-Deer Hunting Permit to the list of prerequisites to be able to purchase a Nonresident Firearms Antlerless Deer Hunting Permit.

To pursue, take, possess, and transport one (1) antlerless deer during the firearms deer hunting season. A Nonresident Firearms Any-Deer Hunting Permit *[or a]*, Nonresident Managed Deer Hunting Permit, **or a Nonresident Landowner Firearms Any-Deer Hunting Permit** is required as a prerequisite to this permit. Fee: twenty-five dollars (\$25).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 29, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.559 Nonresident Managed Deer Hunting Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Managed Deer Hunting Permit to reflect a more current cost based on changes in the Consumer Price Index.

To pursue, take, possess, and transport deer during a prescribed managed deer hunt. Fee: *[two hundred twenty-five dollars (\$225)]* **two hundred sixty-five dollars (\$265)**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 29, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated eight hundred dollars (\$800) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.559 Nonresident Managed Deer Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 20 individuals	Nonresidents purchasing a Nonresident Managed Deer Hunting Permit	\$800 annual aggregate

III. WORKSHEET

[20 (nonresidents purchasing a Nonresident Managed Deer Hunting Permit) X \$40.00 (increase in Nonresident Managed Deer Hunting Permit price based on 100% CPI) = \$800

IV. ASSUMPTIONS

For the permit year 2020, we estimate 20 individuals acquiring a Nonresident Managed Deer Hunting Permit. We used a 100% of Consumer Price Index (CPI) to adjust the permit price from price initiation or last adjustment to current year. This would increase a Nonresident Managed Deer Hunting Permit by \$40.00.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.560 Nonresident Archer's Hunting Permit. The commission proposes to amend this rule

PURPOSE: This amendment increases the fee for a Nonresident Archer's Hunting Permit to reflect a more current cost based on changes in the Consumer Price Index.

To pursue, take, possess, and transport deer and wild turkey during the fall deer and turkey archery season and small game (except furbearers) during prescribed seasons. Fee: *[two hundred twenty-five dollars (\$225)]* **two hundred sixty-five dollars (\$265).**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.275. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated three hundred forty-one thousand five hundred twenty dollars (\$341,520) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. **Department Title: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits

Rule Number and Name:	3 CSR 10-5.560 Nonresident Archer's Hunting Permit
Type of Rulemaking:	Proposed Amendment

II. **SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 8,538 individuals	Nonresidents purchasing a Nonresident Archer's Hunting Permit	\$341,520 annual aggregate

III. **WORKSHEET**

[8,538 (nonresidents purchasing a Nonresident Archer's Hunting Permit) X \$40.00 (increase in Nonresident Archer's Hunting Permit price based on 100% CPI) = \$341,520

IV. **ASSUMPTIONS**

For the permit year 2020, we estimate 8,538 nonresidents acquiring a Nonresident Archer's Hunting Permit. The number of individuals reflects a reduction based on the estimate of the number of individuals that would now be eligible for the new reduced-rate nonresident landowner archer's hunting permit. We used a 100% of Consumer Price Index (CPI) to adjust the permit price from price initiation or last adjustment to current year. This would increase a Nonresident Archer's Hunting Permit by \$40.00.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract term

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.565 Nonresident Turkey Hunting Permits. The commission proposes to amend subsections (1)(A) and (1)(B) of this rule.

PURPOSE: This amendment increases the fee for a Nonresident Turkey Hunting Permit to reflect a more current cost based on changes in the Consumer Price Index.

(1) To pursue, take, possess, and transport wild turkey during the prescribed season.

(A) Spring Season Permit. Fee: *[one hundred ninety dollars (\$190)]* **two hundred twenty-four dollars (\$224).**

(B) Fall Season Permit. Fee: *[one hundred ten dollars (\$110)]* **one hundred thirty dollars (\$130).**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule was previously filed as 3 CSR 10-5.267. This version of rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 29, 2019.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated two hundred thirty thousand seven hundred dollars (\$230,700) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.565 Nonresident Turkey Hunting Permits
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 6,852 individuals	Nonresidents purchasing a Nonresident Turkey Hunting Permits	\$230,700 annual aggregate

III. WORKSHEET

[6,690 (individuals purchasing a spring Nonresident Turkey Hunting Permits) X \$34.00 (increase in spring Nonresident Turkey Hunting Permits price based on 100% CPI)] + [162 (individuals purchasing a fall Nonresident Turkey Hunting Permits) X \$20.00 (increase in fall Nonresident Turkey Hunting Permits price based on 100% CPI)] = \$230,700

IV. ASSUMPTIONS

For the permit year 2020, we estimate 6,690 individuals acquiring a spring Nonresident Turkey Hunting Permit and 162 individuals acquiring a fall Nonresident Turkey Hunting Permit. The number of individuals reflects a reduction based on the estimate of the number of individuals that would now be eligible for the new reduced-rate nonresident landowner turkey permits. We used a 100% of Consumer Price Index (CPI) to adjust the permit price from price initiation or last adjustment to current year. This would increase a spring Nonresident Turkey Hunting Permit and fall Nonresident Turkey Hunting Permit by \$34.00 and \$20.00, respectively.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.567 Nonresident Conservation Order Permit. The commission proposes to amend this rule and the authority section of the rule.

PURPOSE: This amendment increases the fee for a Nonresident Conservation Order Permit to reflect a more current cost based on changes in the Consumer Price Index and corrects an inaccurate reference in the authority section of the rule.

To pursue, take, possess, and transport blue, snow, or Ross's geese during the Conservation Order in accordance with federal regulations and as prescribed in 3 CSR 10-7.440. Fee: [*Forty (\$40)*] **forty-seven dollars (\$47)**.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] **252.040**, RSMo 2016. Original rule filed Oct. 10, 2008, effective July 1, 2009. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated twenty-nine thousand six hundred twenty-four dollars (\$29,624) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.567 Nonresident Conservation Order Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 4,232 individuals	Nonresidents purchasing a Nonresident Conservation Order Permit	\$29,624 annual aggregate

III. WORKSHEET

4,232 (individuals purchasing a Nonresident Conservation Order Permit) X \$7.00 (increase in Nonresident Conservation Order Permit price based on 100% CPI) = \$29,624

IV. ASSUMPTIONS

For the permit year 2020, we estimate 4,232 individuals acquiring a Nonresident Conservation Order Permit. We used a 100% of Consumer Price Index (CPI) to adjust the permit price from price initiation or last adjustment to current year. This would increase a Nonresident Conservation Order Permit by \$7.00.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.570 Nonresident Furbearer Hunting and Trapping Permit. The commission proposes to amend this rule.

PURPOSE: This amendment increases the fee for a Nonresident Furbearer Hunting and Trapping Permit to reflect a more current cost based on changes in the Consumer Price Index.

To chase, pursue, take, possess, transport, and sell furbearers. Fee: *[one hundred thirty dollars (\$130)] one hundred ninety-two dollars (\$192).*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-5.292. Original rule filed June 29, 1981, effective Oct. 11, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated twenty-one thousand six hundred thirty-eight dollars (\$21,638) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.570 Nonresident Furbearer Hunting and Trapping Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule: Approximately 349 individuals	Classification by types of the business entities which would likely be affected: Nonresidents purchasing a Nonresident Furbearer Hunting and Trapping Permit	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities: \$21,638 annual aggregate
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III. WORKSHEET

[349 (individuals purchasing a Nonresident Furbearer Hunting and Trapping Permit) X \$62.00 (increase in Nonresident Furbearer Hunting and Trapping Permit price based on 100% CPI) = \$21,638]

IV. ASSUMPTIONS

For the permit year 2020, we estimate 349 individuals acquiring a Nonresident Furbearer Hunting and Trapping Permit. We used a 100% of Consumer Price Index (CPI) to adjust the permit price from price initiation or last adjustment to current year. This would increase a Nonresident Furbearer Hunting and Trapping Permit by \$62.00.

In economic terms, permit pricing can be monitored in relation to the general cost of living as expressed through the Consumer Price Index (CPI). Instead of evaluating prices only in terms of revenue, a more logical choice for triggering consideration of price adjustments is the relationship of price to inflation as reflected in the CPI. The CPI is a widely used economic statistic and commonly used as the basis of making adjustments to everything from salaries to contract terms and prices.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED RULE

3 CSR 10-5.576 Nonresident Landowner Firearms Any-Deer Hunting Permit. The commission proposes to add this rule.

PURPOSE: This rule creates a new Nonresident Landowner Firearms Any-Deer Hunting Permit for use on the landowner's qualifying property at a reduced fee compared to a Nonresident Firearms Any-Deer Hunting Permit.

To pursue, take, possess, and transport one (1) deer of either sex from qualifying land statewide during the firearms deer hunting season, by nonresident landowners as defined in this Code. Fee: one hundred ninety-five dollars (\$195).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. For intervening history, please consult the **Code of State Regulations**. Readopted: Filed May 29, 2019.

PUBLIC COST: This proposed rule will cost the Missouri Department of Conservation an estimated three thousand three hundred fifty dollars (\$3,350) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. **Department Title: Department of Conservation**
 Division Title: Division 10 – Conservation Commission
 Chapter Title: Chapter 5—Wildlife Code: Permits

Rule Number and Name:	3 CSR 10-5.576 Nonresident Landowner Firearms Any-Deer Hunting Permit
Type of Rulemaking:	Proposed Rule

II. **SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$3,350

III. **WORKSHEET**

One-time \$3,350 vendor payment to modify the department's licensing platform system.

IV. **ASSUMPTIONS**

This is a one-time payment, no additional costs associated with this change are anticipated for the life of the rule.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED RULE

3 CSR 10-5.579 Nonresident Landowner Firearms Turkey Hunting Permits. The commission proposes to add this rule.

PURPOSE: This rule creates a new Nonresident Landowner Firearms Turkey Hunting Permit for use on the landowner's qualifying property at a reduced fee compared to a Nonresident Firearms Turkey Hunting Permit.

(1) To pursue, take, possess, and transport wild turkey from qualifying land during the prescribed season, by nonresident landowners as defined in this Code.

(A) Spring Season Permit. Fee: one hundred sixty-five dollars (\$165).

(B) Fall Season Permit. Fee: ninety-six dollars (\$96).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. For intervening history, please consult the Code of State Regulations. Readopted: Filed May 29, 2019.

PUBLIC COST: This proposed rule will cost the Missouri Department of Conservation an estimated three thousand three hundred fifty dollars (\$3,350) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits

Rule Number and Name:	3 CSR 10-5.579 Nonresident Landowner Firearms Turkey Hunting Permits
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$3,350

III. WORKSHEET

One-time \$3,350 vendor payment to modify the department's licensing platform system.

IV. ASSUMPTIONS

This is a one-time payment, no additional costs associated with this change are anticipated for the life of the rule.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED RULE

3 CSR 10-5.580 Nonresident Landowner Archer's Hunting Permit. The commission proposes to add this rule.

PURPOSE: This rule creates a new Nonresident Landowner Archer's Hunting Permit for use on the landowner's qualifying property at a reduced fee compared to a Nonresident Archer's Hunting Permit.

To pursue, take, possess, and transport deer and wild turkey from qualifying land during the fall deer and turkey archery season and small game (except furbearers) from qualifying land during prescribed seasons, by nonresident landowners as defined in this Code. Fee: one hundred ninety-five dollars (\$195).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. For intervening history, please consult the Code of State Regulations. Readopted: Filed May 29, 2019.

PUBLIC COST: This proposed rule will cost the Missouri Department of Conservation an estimated three thousand three hundred fifty dollars (\$3,350) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I.** **Department Title: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 5—Wildlife Code: Permits

Rule Number and Name:	3 CSR 10-5.580 Nonresident Landowner Archer's Hunting Permit
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$3,350

III. WORKSHEET

One-time \$3,350 vendor payment to modify the department's licensing platform system.

IV. ASSUMPTIONS

This is a one-time payment, no additional costs associated with this change are anticipated for the life of the rule.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-10.744 Commercial Deer Processing: Permit, Privileges, Requirements. The commission proposes to amend sections (1), (2), and (3) of this rule.

PURPOSE: This amendment establishes a requirement for commercial processors to dispose of unused cervid parts in a sanitary landfill or transfer station and clarifies record retention requirements. This amendment also allows for processors to process and store elk taken from the wild stock of the state.

(1) To commercially process and store legally acquired *[deer]* **cervids** taken from the wild stock of the state at the specific location indicated on the permit. Fee: twenty-five dollars (\$25).

(2) The commercial processor shall post a notice and inform patrons of the provisions of this rule and shall keep accurate records of all *[deer]* **cervids** processed and stored. **The commercial processor shall dispose of all cervid carcasses (or parts thereof) not returned to patrons in a sanitary landfill or transfer station permitted by the Missouri Department of Natural Resources, and retain proof of disposal. [These] The records of all cervids processed and stored, and proof of disposal,** shall be retained for twelve (12) months. All records and stored deer shall be made available for inspection by an authorized agent of the department at any reasonable time.

(3) For the purposes of processing specialty *[deer]* **cervid** meats, commercial processors are exempt from provisions of 3 CSR 10-4.137. For purposes of storing specialty *[deer]* **cervid** meats, commercial processors are exempt from provisions of 3 CSR 10-4.137 and 3 CSR 10-4.140(2), but only from September 15 through March 31. These exemptions do not apply to raw, packaged venison.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed April 28, 1992, effective Dec. 3, 1992. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities one hundred fifteen thousand one hundred forty-four dollars (\$115,144) in the aggregate annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. **Department Title: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits

Rule Number and Name:	3 CSR 10-10.744 Commercial Deer Processing: Permit, Privileges, Requirements
Type of Rulemaking:	Proposed Amendment

II. **SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
74	Commercial Deer Processors	\$115,144 annual aggregate

III. **WORKSHEET**

[(74 commercial deer processors) * (\$356 cost of dumpster delivery, removal, and cleaning)] + [(74 commercial deer processors) * (\$75 cost for dumpster exchange) * (16 weeks of dumpster need)]

[\$26,344] + [\$88,800] = \$115,144 annual aggregate

IV. **ASSUMPTIONS**

For 2019, there are 237 permitted commercial deer processors. We estimate that 31% (74) of deer processors do not use a permitted landfill for disposing of unused cervid carcass parts. We assume they will only use a rental dumpster for 16 weeks. We estimate dumpster delivery, removal, and cleaning to cost \$356. We estimate that each dumpster will need to be replaced with an empty dumpster at a cost of \$75 each week.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-10.767 Taxidermy; Tanning: Permit, Privileges, Requirements. The commission proposes to amend section (5) of this rule.

PURPOSE: This amendment establishes a requirement for licensed taxidermists and tanners to dispose of unused cervid parts in a sanitary landfill or transfer station and clarifies record retention requirements.

(5) All licensed taxidermists and tanners shall keep accurate, up-to-date records of the number and species of all wildlife received, the full name and address of the consignor (or seller of furbearers), the dates of all transactions and disposition of all wildlife, and the specific locations where all tanned or mounted wildlife is being exhibited or displayed on a form approved or provided by the department. Printed copies of this form can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at www.missouriconservation.org. **Licensed taxidermists and tanners shall dispose of all cervid carcasses (or parts thereof) not returned to patrons and carrion beetles and their waste in a sanitary landfill or transfer station permitted by the Missouri Department of Natural Resources, and retain proof of disposal.** These records and wildlife shall be available for inspection by an authorized agent of the department at any reasonable time. All completed records required by this rule, **including proof of disposal of cervid carcass parts**, shall be retained for three (3) years. Renewal of a permit shall be conditioned upon compliance with this rule.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities two hundred and six thousand four hundred ninety-six dollars (\$206,496) in the aggregate annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits**

Rule Number and Name:	3 CSR 10-10.767 Taxidermy, Tanning: Permit, Privileges, Requirements
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
216	Taxidermists	\$206,496 annual aggregate

III. WORKSHEET

$[(216 \text{ taxidermists}) * (\$356 \text{ cost of dumpster delivery, removal, and cleaning})] + [(216 \text{ taxidermists}) * (\$75 \text{ cost for dumpster exchange}) * (8 \text{ weeks of dumpster need})]$

$[\$76,896] + [\$259,200] = \$206,496 \text{ annual aggregate}$

IV. ASSUMPTIONS

For 2019, there are 697 permitted taxidermists. We estimate that 31% (216) of taxidermists do not use a permitted landfill for disposing of unused cervid carcass parts. We assume they will only use a rental dumpster for 8 weeks. We estimate dumpster delivery, removal, and cleaning to cost \$356. We estimate that each dumpster will need to be replaced with an empty dumpster at a cost of \$75 each week.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 20—Wildlife Code: Definitions**

PROPOSED AMENDMENT

3 CSR 10-20.805 Definitions. The commission proposes to add new sections (3) and (23), renumber subsequent sections, amend new section (31), add new section (43), renumber subsequent sections, and amend new section (52) of this rule.

PURPOSE: This amendment adds definitions for antlered elk and drowning sets, amends the species list for game mammals, adds a nonresident landowner definition, and amends the minimum acreage within the resident landowner definition.

(3) Antlered elk: An elk having at least one (1) antler not less than six inches (6") long.

[(3)](4) Arm of lake: An inlet or bay of a water impoundment, including all impounded tributaries, smaller arms, and coves thereof other than those specifically excepted.

[(4)](5) Atlatl: A rod or narrow board-like device used to launch, through a throwing motion of the arm, a dart five to eight feet (5'-8') in length.

[(5)](6) Backwater: Any flowing or nonflowing water lying exclusively within the floodplain of a river and connected to that river at any water level below official flood stage, as designated by the U.S. Army Corps of Engineers for the portion of the river where backwater is occurring. Backwater shall not include tributary streams and ditches, but may include side channels, chutes, sloughs, bayous, oxbows, and blew holes.

[(6)](7) Bow: A device drawn and held by hand and not fastened to a stock nor to any other mechanism that maintains the device in a drawn position. This definition includes longbows, recurve bows, and compound bows.

[(7)](8) Cable restraint device: A device for the live-capture of certain furbearers in a non-water set by use of a cable loop made of stranded steel cable, not greater than five feet (5') long (not including extensions), with a diameter of not less than five sixty-fourths inch (5/64") and equipped with a commercially manufactured breakaway rated at three hundred fifty pounds (350 lbs.) or less, a relaxing-type lock, a stop device that prevents it from closing to less than two and one-half inches (2 1/2") in diameter, and an anchor swivel, but shall not be equipped with a compression-type choke spring, or be otherwise mechanically-powered.

[(8)](9) Cervid: All species of the deer family (family *Cervidae*) including those commonly known as white-tailed, mule, fallow, sika, red, musk, Pere David's deer, moose, caribou, reindeer, elk, or wapiti, and all deer-hybrids.

[(9)](10) Chase or chased: The act of using dogs to follow wildlife for the purpose of recreation or dog training, but not for the purpose of catching or taking that wildlife.

[(10)](11) Circus: A scheduled staged event in which entertainment includes performances by trained wildlife, either native or nonnative to the continental United States, and in which physical contact between wildlife and humans is restricted to the handlers, performers, or other circus employees.

[(11)](12) Closed season: That period of time during which the pursuit or taking of wildlife is prohibited by this Code.

[(12)](13) Commercial establishment: Any place of business, owned or operated by any person or group of persons, or business concern of any kind, where ordinary trade or business practices are conducted. This term shall include, but is not restricted to, any club, association, or society where meals, lodging, or other services or facilities are furnished for a consideration, price, or fee.

[(13)](14) Commercial fish: All fish except endangered species as listed in 3 CSR 10-4.111(3) and game fish as defined in this rule. Includes those species for which sale is permitted when legally obtained. For purposes of this Code, packaged salt water species or freshwater species not found in waters of this state, when the processed fish are truly labeled as to content, point of origin, and name and address of the processor, are exempt from restrictions applicable to native commercial fish. Commercial fish include crayfish taken from waters open to commercial fishing. In the Mississippi River and that part of the St. Francis River which forms the boundary between the states of Arkansas and Missouri, commercial fish also include channel, blue, and flathead catfish at least fifteen inches (15") in total length. In the Mississippi River only, commercial fish also include paddlefish at least twenty-four inches (24") in length (measured from eye to fork of tail) and shovelnose sturgeon twenty-four inches to thirty-two inches (24"-32") in length (measured from tip of snout to fork of tail) upstream from Melvin Price Locks and Dam.

[(14)](15) Commercial waters: The flowing portions of the Missouri River, the Mississippi River except in Sand Chute below the mouth of the Salt River in Pike County, and that part of the St. Francis River which forms a boundary between the states of Arkansas and Missouri, and also waters which exist temporarily through overflow from the Mississippi River east of the Missouri Pacific Railroad between Cape Girardeau and Scott City, and east of the Mississippi River mainline and setback levees between Commerce and the Arkansas state line.

[(15)](16) Commission: The Conservation Commission as specified in Section 3, Reorganization Act of 1974, pursuant to Article IV, Section 40(a) of the *Constitution of Missouri* (see also Article IV, Section 12).

[(16)](17) Crossbow: A device for discharging quarrels or bolts, formed of a bow set crosswise on a stock, usually drawn by means of a mechanism and discharged by release of a trigger.

[(17)](18) Days or dates: All days and dates shall be inclusive. A day shall begin or end at midnight, unless otherwise specified.

[(18)](19) Department: The Department of Conservation as specified in Section 3, Reorganization Act of 1974, pursuant to Article IV, Section 40(a) of *Constitution of Missouri* (see also Article IV, Section 12).

[(19)](20) Director: The director of the Department of Conservation.

[(20)](21) Ditch: Any artificial drainageway, tributary to a stream or body of water, and containing sufficient water to support fish.

[(21)](22) Domicile: The place where a person has his/her true, fixed, and permanent home and principal establishment and to which whenever s/he is absent s/he has the intention of returning. It is his/her legal residence, as distinguished from his/her temporary place or abode; or his/her home, as distinguished from a place to which business or pleasure may temporarily call him/her.

(23) Drowning set: Trap or snare sets constructed with a solid fiber or steel rod or cable, anchored at each end, having a drowning lock attached to the trap or snare allowing the trap or snare

to only slide one (1) way, and located in water at a depth sufficient for drowning.

[(22)](24) Established field trial area: One (1) contiguous tract of privately-owned land that is fenced or enclosed in a manner to reasonably prevent dogs pursuing or chasing wildlife from leaving the area, where the primary use of the land is for training dogs to pursue and chase wildlife or to conduct field trials.

[(23)](25) Field trial: An organized event, contest, demonstration, or trial of dogs whether or not prizes or awards of any kind are offered, and where dogs may be used to chase, locate, pursue, or retrieve wildlife.

[(24)](26) Firearms: Pistols, revolvers, and rifles propelling a single projectile at one (1) discharge including those powered by spring, air, or compressed gas, and shotguns not larger than ten (10) gauge.

[(25)](27) Flies, lures, and baits: The following are authorized for use except where restricted in 3 CSR 10-6.415, 3 CSR 10-6.535, 3 CSR 10-11.205, 3 CSR 10-12.135, and 3 CSR 10-12.150.

(A) Natural and scented baits—A natural fish food such as bait fish, crayfish, frogs permitted as bait, grubs, insects, larvae, worms, salmon eggs, cheese, corn, and other food substances not containing any ingredient to stupefy, injure, or kill fish. Does not include flies or artificial lures. Includes dough bait, putty or paste-type bait, any substance designed to attract fish by taste or smell, and any fly, lure, or bait containing or used with such substances.

(B) Soft plastic bait (unscented)—Synthetic eggs, synthetic worms, synthetic grubs, and soft plastic lures.

(C) Artificial lure—A lure constructed of any material excluding soft plastic bait and natural and scented bait as defined in (A) or (B) above.

(D) Fly—An artificial lure constructed on a single-point hook, using any material except soft plastic bait and natural and scented bait as defined in (A) or (B) above, that is tied, glued, or otherwise permanently attached.

[(26)](28) Furbearing animals: Furbearers: Badger, beaver, black bear, bobcat, coyote, gray fox, long-tailed weasel, mink, mountain lion, muskrat, nutria, opossum, raccoon, red fox, river otter, spotted skunk, and striped skunk.

[(27)](29) Game birds: American coot, American woodcock, crows, ducks, Eurasian collared dove, geese, gray partridge, mourning dove, northern bobwhite quail, ring-necked pheasant, ruffed grouse, sora rail, Virginia rail, white-winged dove, wild turkey, and Wilson's snipe.

[(28)](30) Game fish: Shall include the following in which the common names are to be interpreted as descriptive of, but not limiting, the classification by Latin names.

(A) *Ambloplites*, all species of goggle-eye (commonly known as Ozark bass, rock bass, shadow bass) and their hybrids.

(B) *Esox*, all species commonly known as muskellunge, tiger muskie, muskie-pike hybrid, northern pike, chain pickerel, grass pickerel.

(C) *Ictalurus*, all species except bullheads, commonly known as channel catfish, blue catfish, Mississippi cat, Fulton cat, spotted cat, white cat, willow cat, fiddler cat.

(D) *Lepomis gulosus*, commonly known as warmouth.

(E) *Micropterus*, all species of black bass and their hybrids, commonly known as largemouth bass, lineside bass, smallmouth bass, brown bass, Kentucky bass, spotted bass.

(F) *Morone*, all species and their hybrids, commonly known as white bass, yellow bass, striped bass.

(G) *Oncorhynchus*, *Salvelinus*, and *Salmo*, all species commonly known as salmon, char, and trout.

(H) *Polyodon*, all species, commonly known as paddlefish, spoon-bill.

(I) *Pomoxis*, all species, commonly known as crappie, white crappie, black crappie.

(J) *Pylodictis*, commonly known as flathead catfish, goujon, yellow cat, river cat.

(K) *Sander*, all species and their hybrids, commonly known as walleye, pike perch, jack salmon, sauger.

(L) *Scaphirhynchus platyrhynchus*, commonly known as shovelnose sturgeon, hackleback, sand sturgeon.

[(29)](31) Game mammals: Cottontail rabbit, deer, elk, fox squirrel, gray squirrel, groundhog (woodchuck), jackrabbit, swamp rabbit, and furbearers as defined.

[(30)](32) Grab: The act of snagging or attempting to snag a fish by means of a pole, line, and hook manipulated by hand.

[(31)](33) Hook: Single- or multiple-pronged hooks and the ordinary artificial lures with attached single- or multiple-pronged hooks and dropper flies. A multiple-pronged hook or two (2) or more hooks employed to hold a single bait, shall be considered a single hook in counting the allowable total in use.

[(32)](34) Invertebrate: Any animal lacking a backbone; this includes all animal phyla other than *Chordata*. (Examples include insects and other arthropods, flatworms, roundworms, segmented worms, and mollusks.)

[(33)](35) Length of fish: Total length is measured from the tip of the snout to the end of the tail, with the fish laid flat on the rule with mouth closed and tail lobes pressed together. The length of paddlefish is measured from the eye to the fork of the tail. The length of sturgeon is measured from the tip of the snout to the fork of the tail.

[(34)](36) Limit: The maximum number or quantity, total length, or both, of any wildlife permitted to be taken or held in possession by any person within a specified period of time according to this Code.

[(35)](37) Managed deer hunt: A prescribed deer hunt conducted on a designated area for which harvest methods, harvest quotas, and numbers of participants are determined annually and presented in the deer hunting rules (3CSR 10-7.431 and 3 CSR 10-7.436).

[(36)](38) Mouth of stream or ditch: The point at which a line projected along the shore of a main stream or ditch at the existing water level at time of measurement crosses any incoming stream or ditch.

[(37)](39) Multi-use Trail: A trail upon which hiking and at least one (1) of the following other activities are allowed concurrently: bicycling and equestrian use.

[(38)](40) Mussels: All species of freshwater mussels and clams. Includes all shells and alive or dead animals. Two (2) shell halves (valves) shall be considered one (1) mussel.

[(39)](41) Muzzleloading firearm: Any firearm capable of being loaded only from the muzzle.

[(40)](42) Night vision equipment: Optical devices (that is, binoculars or scopes) using light amplifying circuits that are electrical or battery powered.

(43) Nonresident landowner: Any nonresident of Missouri who is the owner of at least seventy-five (75) acres in one (1) contiguous tract in the state of Missouri, or any member of the immediate household whose legal residence and domicile is the same as the nonresident landowner's for at least thirty (30) days last past.

[(41)](44) Open season: That time when the pursuing and taking of wildlife is permitted.

[(42)](45) Other fish: All species other than those listed as endangered in 3 CSR 10-4.111 or defined in this rule as game fish.

[(43)](46) Persons with disabilities: A person who is blind, as defined in section 8.700, RSMo, or a person with medical disabilities which prohibits, limits, or severely impairs one's ability to ambulate or walk, as determined by a licensed physician as follows: The person cannot ambulate or walk fifty (50) or less feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling condition; or the person cannot ambulate or walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or the person is restricted by a respiratory or other disease to such an extent that the person's forced respiratory expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mmHg on room air at rest; or the person uses portable oxygen; or the person has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association. (A person's age, in and of itself, shall not be a factor in determining whether such person is physically disabled.)

[(44)](47) Poisons, contaminants, pollutants: Any substances that have harmful effect upon wildlife.

[(45)](48) Pole and line: Fishing methods using tackle normally held in the hand, such as a cane pole, casting rod, spinning rod, fly rod, or ice fishing tackle commonly known as a tip-up, to which not more than three (3) hooks with bait or lures are attached. This fishing method does not include snagging, snaring, grabbing, or trotlines or other tackle normally attached in a fixed position.

[(46)](49) Possessed and possession: The actual and constructive possession and control of things referred to in this Code.

[(47)](50) Public roadway: The right of way which is either owned in fee or by easement by the state of Missouri or any county or municipal entity, or which is used by the general public for travel and is also regularly maintained by Department of Transportation, federal, county, or municipal funds or labor.

[(48)](51) Pursue or pursued: Includes the act of trying to find, to seek, or to diligently search for wildlife for the purpose of taking this wildlife.

[(49)](52) Resident landowner: Any Missouri resident who is the owner of at least *[(five (5))] twenty (20)* acres in one (1) contiguous tract, or any member of the immediate household whose legal residence or domicile is the same as the landowner's for at least thirty (30) days last past. In the case of corporate ownership of land, persons defined as landowners include Missouri residents who are:

(A) General partners of resident limited liability partnerships, limited partnerships, or limited liability limited partnerships, and general partners of general partnerships formed by written agreement;

(B) Officers of resident or foreign corporations;

(C) Managing members of resident limited liability companies; **and**

(D) Officers of benevolent associations organized pursuant to Chapter 352 of the *Revised Statutes of Missouri*.

[(50)](53) Sell: To exchange for compensation in any material form, and the term shall include offering for sale.

[(51)](54) Snare: A device for the capture of furbearers in a water-

set by use of a cable loop. Snares must be constructed of cable that is at least five sixty-fourths inch (5/64") and no greater than one-eighth inch (1/8") in diameter, and must be equipped with a mechanical lock and anchor swivel.

[(52)](55) Speargun: A mechanically powered device that propels a single- or multiple pronged spear underwater.

[(53)](56) Store and storage: Shall also include chilling, freezing, and other processing.

[(54)](57) Take or taking: Includes killing, trapping, snaring, netting, or capturing in any manner, any wildlife, and also refers to pursuing, molesting, hunting, wounding; or the placing, setting, or use of any net, trap, device, contrivance, or substance in an attempt to take; and every act of assistance to every other person in taking or attempting to take any wildlife.

[(55)](58) Transgenic: Any organism, or progeny thereof, that contains DNA from a species that was not a parent of that organism.

[(56)](59) Transport and transportation: All carrying or moving or causing to be carried or moved from one point to another, regardless of distance, vehicle, or manner, and includes offering or receiving for transport or transit.

[(57)](60) Underwater spearfishing: The taking of fish by a diver while underwater, with the aid of a manually or mechanically propelled, single- or multiple-pronged spear.

[(58)](61) Ungulate: Hoofed animals.

[(59)](62) Waters of the state: All rivers, streams, lakes, and other bodies of surface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned or leased by a single person or by two (2) or more persons jointly or as tenants in common or by corporate shareholders, and including waters of the United States lying within the state. Waters of the state will include any waters which have been stocked by the state or which are subject to movement of fishes to and from waters of the state.

[(60)](63) Zoo: Any publicly owned facility, park, building, cage, enclosure, or other structure or premises in which live animals are held and exhibited for the primary purpose of public viewing.

AUTHORITY: *sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-11.805. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed May 29, 2019.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will cost private entities an estimated maximum of one million four hundred seventy thousand five hundred seventy-two dollars (\$1,470,572) annually in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

FISCAL NOTE PRIVATE ENTITY COST

- I. Department Title: Department of Conservation
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 20—Wildlife Code: Definitions**

Rule Number and Name:	3 CSR 10-20.805 Definitions
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Up to 35,513 individuals receiving no-cost hunting privileges	Residents that received no-cost landowner hunting privileges that own property < 20 Acres	Annual-aggregate maximum estimate of \$1,470,572

III. WORKSHEET

[28,410 (firearms deer hunters) X \$17 (cost of one resident any-deer firearms hunting permit)] + [13,850 (archery deer hunters) X (\$19 (cost of one archer's hunting permit))] + [23,793 (spring turkey hunters) X (\$17 (cost of one spring turkey hunting permit))] + [6,037 (fall turkey hunters) X (\$13 (cost of one fall turkey hunting permit))] + [24,149 (small-game hunters) X \$10 (cost of one small-game hunting permit)] = \$1,470,572

IV. ASSUMPTIONS

Landowners with < 20 acres of property account for 19% (35,513) of the individuals that receive no-cost landowner hunting permits.

From our 2017 post-season survey of hunters having a no-cost landowner deer hunting permit, 20% of firearms permit holders did not hunt and 61% of archery permit holders did not hunt. Therefore, we estimate 28,410 ($35,513 \times (1-0.2)$) of individuals that previously were issued a no-cost landowner firearm deer hunting permit would be impacted by this rule amendment. We also estimate that 13,850 ($35,513 \times (1-0.61)$) of individuals that previously were issued a no-cost landowner archer's hunting permit would be impacted by this amendment.

From our 2018 post-season survey of hunters having a no-cost landowner spring turkey hunting permit, 33% of permit holders did not hunt. Therefore, we estimate 23,793 ($35,513 \times (1-0.33)$) of individuals that previously were issued a no-cost landowner spring turkey hunting permit would be impacted by this amendment.

From our 2017 post-season survey of hunters having a no-cost landowner fall turkey hunting permit, 83% of permit holders did not hunt. Therefore, we estimate 6,037 ($35,513 \times (1-0.83)$) of individuals that previously were issued a no-cost landowner spring turkey hunting permit would be impacted by this amendment.

Based on public input in 2019 regarding landowner acreage cutoff for receiving no-cost landowner hunting privileges, about 32% of landowners did not hunt small-game on their properties. Using the 35,513 landowners receiving no-cost landowner deer and turkey hunting

permits as a base for an estimate of landowners that hunt on their property, then approximately 24,149 ($35,513 \times (1 - 0.32)$) individuals could be impacted by this amendment.

Although not used in our estimate, it is prudent to note a 2016 USDA survey of Missouri production landowners/operators (claiming more than \$1,000 of agriculture product from property) with at least 5-acres of land responded with only 43% hunted deer on their property.

This maximum estimate is based on 2017 and 2018 surveys and 2008 and 2019 public input, the impact could be substantially less based upon hunting decisions made by impacted landowners.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.200 Hospital, Medical, Infectious Waste Incinerators. The commission proposes to amend subsection (2)(A) and sections (3) and (4). If the commission adopts this rule action, the department intends to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Plan for Designated Facilities and Pollutants pursuant to section 111(d) of the Clean Air Act for Hospital, Medical, and Infectious Waste Incinerators. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website www.dnr.mo.gov/proposed-rules.

PURPOSE: This rule establishes emission limits for existing hospital, medical, and infectious waste incinerators. The pollutants regulated include metals, particulate matter, acid gases, organic compounds, carbon monoxide, and opacity. This rule includes requirements for operator training and qualification, waste management, compliance and performance testing, monitoring, and reporting/record keeping. This amendment cleans up the federal reference information in this rule to address the U.S. Environmental Protection Agency (EPA) concerns. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is an EPA email, dated September 18, 2018.

(2) Definitions.

(A) The definitions of 40 CFR 60.31e apply *[as specified in 10 CSR 10-6.030(22)]*.

(3) General Provisions. Owners and operators of HMIWI subject to this rule must comply with the provisions listed below. The following references to 40 CFR 60.33e through 60.37e and 40 CFR 60 Subpart Ce Tables 1A through 2B apply *[as specified in 10 CSR 10-6.030(22)]*:

(4) Reporting and Record Keeping. Owners and operators of HMIWI subject to this rule must comply with the following reporting and record keeping provisions. The provisions of 40 CFR 60.38e apply *[as specified in 10 CSR 10-6.030(22)]*.

AUTHORITY: section 643.050, RSMo 2016. Original rule filed Dec. 1, 1998, effective July 30, 1999. Amended: Filed Oct. 13, 2000, effective July 30, 2001. Amended: Filed Nov. 26, 2010, effective Aug. 30, 2011. Amended: Filed Nov. 1, 2013, effective July 30, 2014. Amended: Filed April 13, 2018, effective Jan. 30, 2019. Amended: Filed May 30, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., August 29, 2019. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level,

Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., September 5, 2019. Send online comments via the proposed rules web page www.dnr.mo.gov/proposed-rules, email comments to apcprulespn@dnr.mo.gov, or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 11—Taxation Regulations

PROPOSED AMENDMENT

11 CSR 45-11.020 Deposit Account—Taxes and Fees. The commission is amending section (4).

PURPOSE: This amendment corrects a typographical error and removes the requirement to file a Claim for Refund or Credit Form for overpayments of less than one hundred dollars (\$100).

(4) Licensees. Beginning in the first month, second day of operation, each licensee, as a condition of its license, shall deposit daily into the operating account an amount sufficient to cover the estimated tax and fee liabilities for the previous day. The licensee then shall timely remit from the operating account to the commission the gaming tax and admissions fee for each daily period that is defined as the business day for the purpose of establishing the estimated tax and fee liabilities.

(D) In the event *[that]* an overpayment of the licensee's adjusted gross receipts *[result in a negative tax due or if overpayment]* tax is made *[and amended with the commission]* and discovered within the same weekly period which, for purposes of this section, means Wednesday of each week through the following Tuesday, the licensee may adjust *[their]* its payment by the overpaid amount on the next gaming day's *[subsequent]* payment **if it falls within that weekly period.**

(E) In the event an overpayment of the licensee's adjusted gross receipts tax is made and is discovered in a subsequent weekly period, the licensee may reduce its payment by the overpaid amount on the next gaming day's payment only if the amount of the overpayment is under one hundred dollars (\$100). If the amount of the overpayment is one hundred dollars (\$100) or more, the licensee shall file a Claim for Refund or Credit Form, included herein, along with the tax return.

(F) If an overpayment is due to an error in the tax remittal, an amended return must be filed with the commission.

(G) In the event that the licensee's adjusted gross receipts results in a negative tax due, *[or if overpayment is made and amended in a subsequent week,]* whether within the same weekly period or not, the licensee shall *[file a Claim for Refund or Credit Form, included herein, along with the tax return]* adjust its next gaming day's payment by the negative tax due amount.

[(E)](H) Every Claim for Refund or Credit Form must be in writing under oath and must state the specific grounds upon which the claim is founded.

[(F)](I) The Claim for Refund or Credit Form shall be made available on the commission's website at www.mgc.dps.mo.gov and may be requested by writing to: Missouri Gaming Commission, P~~ost~~ Office/ Box 1847, Jefferson City, MO 65102-1847.

AUTHORITY: sections 313.004, 313.800, 313.805, 313.807, 313.820, 313.822, and 313.835, RSMo 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994.

Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history please consult the Code of State Regulations. Amended: Filed May 30, 2019.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 30, 2019 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 11—Taxation Regulations**

PROPOSED AMENDMENT

11 CSR 45-11.110 Refund—Claim for Refund. The commission is amending section (1).

PURPOSE: *This amendment removes the requirement of duplicates from copies for filing claims.*

(1) If a tax or fee, penalty or interest has been paid by a licensee that is in excess of the amount owed, the licensee may file a claim for refund or credit. No such claim for refund or credit shall be allowed unless *[duplicate copies]* a copy of the claim *[are]* is filed within three (3) years from the date of overpayment. The three (3) year period of limitation for the credit or refund begins with the date the licensee pays taxes to the commission on account of the adjusted gross receipts in question or with the date the licensee pays fees to the commission on account of the tickets of admission in question.

AUTHORITY: *sections 313.004, 313.800, [RSMo Supp. 2006] 313.805, and 313.822, RSMo [2000] 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Emergency amendment filed June 5, 2000, effective June 16, 2000, expired Feb. 22, 2001. Amended: Filed June 23, 2000, effective Jan. 30, 2001. Amended: Filed Aug. 30, 2006, effective March 30, 2007. Amended: Filed May 30, 2019.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of*

this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 30, 2019 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

PROPOSED AMENDMENT

11 CSR 45-30.090 Additional Application Information for Bingo and Pull-Tab Licenses. The commission is amending section (2).

PURPOSE: *This amendment changes the membership period requirement for management, conduct, and operation of the bingo game from two (2) years to six (6) months, which is consistent with the change to the constitution that went into effect on December 6, 2018.*

(2) Also required with the initial application, each organization shall submit for approval a complete list of the officers of the applicant organization and a complete list of all *[two (2)-year]* **six- (6)-month** bona fide members that will assist with the management, conduct, and operation of the bingo game. These lists shall include each individual's Social Security number and date of birth. A copy of each individual's drivers license shall also be provided for each officer or worker. Changes to the lists shall be reported to the commission as they occur. Any request to add an officer or worker to the list shall include the individual's Social Security number, date of birth, and a copy of the individual's drivers license.

AUTHORITY: *sections 313.015, [RSMo Supp. 2013, and sections] 313.020, and 313.065, RSMo [2000] 2016. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Jan. 27, 2006, effective Sept. 30, 2006. Amended: Filed June 25, 2015, effective Feb. 29, 2016. Amended: Filed May 30, 2019.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 30, 2019 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

PROPOSED AMENDMENT

11 CSR 45-30.130 Member(s) in Charge. The commission is amending section (1).

PURPOSE: *This amendment changes the length of membership requirement for a person to be responsible for the overall conduct of a bingo occasion from two (2) years to six (6) months, which is consistent with the change to the constitution that went into effect on December 6, 2018.*

(1) Every licensed organization shall designate a bona fide, active member of the organization to be in charge of, and primarily responsible for, each bingo occasion. The member in charge may change from occasion to occasion. The individual shall have been a member in good standing of the licensed organization for the last *[two (2) years] six (6) months* and shall supervise all activities and be responsible for the conduct of all bingo games of which s/he is in charge. The member in charge shall be continually present on the premises during the occasion and shall be familiar with the provisions of the bingo law, applicable ordinances, these regulations, and the licensee's house rules.

AUTHORITY: *section 313.040, RSMo Supp. [2013] 2018, and section 313.065, RSMo [2000] 2016. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed June 25, 2015, effective Feb. 29, 2016. Amended: Filed May 30, 2019.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, July 30, 2019 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

Title 15—ELECTED OFFICIALS Division 50—Treasurer Chapter 3—Unclaimed Property

PROPOSED AMENDMENT

15 CSR 50-3.010 Unclaimed Property—General Considerations. The State Treasurer's Office is correcting two (2) appearances of a misspelled term and one (1) grammatical error.

PURPOSE: *This amendment corrects two (2) misspellings and one (1) grammatical error.*

(2) Communications. The division will conduct business and the public record is available for inspection during normal business hours Monday through Friday, of all state government work days, in Room 156 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, *[MO] Missouri* 65101. In-person visits to the *[division] division* are permitted, but appointments are not required. The public record is available for sale in printout form. The public record shall not be subject to public inspection or available for copying, reproduction, or scrutiny by commercial or professional locators of property presumed abandoned who charge any service or finders' fees until ninety (90) days after the names of the people to

whom property is owed have been published or officially disclosed. Any written inquiries regarding the Act or the availability of the public record should be directed to: Unclaimed Property Division, P.O. Box 1004, Jefferson City, MO 65102. The *[division] division* telephone number is (573) 751-0840. For Relay Missouri/Deaf TTY, please use (800) 735-2966. Absolutely no collect calls will be accepted.

(3) Information Made Public. Notwithstanding the limitations included in section (2), the public record available for review shall include the name and last known address of each person appearing in a holder's report, and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number and the name of the corporation, and the amount due. No other information provided to the treasurer, including Social Security numbers or other identifying information, shall be made available, except that if the amount turned over to the state is less than fifty dollars (\$50), the amount reported may be made available as public information.

AUTHORITY: *sections 447.543 [and], 447.572, [RSMo Supp. 1998] and 447.579, RSMo [1994] 2016. This rule was previously filed as 4 CSR 25-1.010. Original rule filed June 3, 1985, effective Sept. 27, 1985. Amended: Filed Oct. 3, 1991, effective May 14, 1992. Amended: Filed April 15, 1999, effective Sept. 30, 1999. Amended: Filed May 30, 2019.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the State Treasurer's Office, PO Box 210, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 15—ELECTED OFFICIALS Division 50—Treasurer Chapter 3—Unclaimed Property

PROPOSED AMENDMENT

15 CSR 50-3.070 Reporting and Delivery of Property Presumed Abandoned. The State Treasurer's Office is amending subsection (4)(F) and subsection (6)(B).

PURPOSE: *This amendment specifies a holder reporting fifty (50) or more owners must do so electronically, and corrects a grammatical error.*

(4) Form of Reports to the Division. Report forms will be supplied by the division and shall be verified by the person filing who shall be—a partner, if the holder is a partnership, or an officer, if the holder is a corporation. The report shall clearly and concisely declare—

(F) *[Computer printouts or computer disks containing owner information are acceptable in lieu of the holder report form. However, the printouts or disks must include the same information as outlined in section (4). Holders submitting a computer disk in lieu of the report form must contact the division to obtain data processing standards. The division will accept disks utilizing Missouri Automated Reporting System (MARS) and National Association of Unclaimed*

Property Administrators (NAUPA) formats;] Any holder submitting a report concerning the property of fifty (50) or more owners shall do so electronically. Information concerning acceptable electronic reporting format may be obtained by contacting the Missouri State Treasurer's Office by mail: 301 W. High Street, Room 157, Jefferson City, MO, 65101; by telephone: 573-751-0123; by facsimile: 573-526-6027; by email: ucp@treasurer.mo.gov; or by visiting its public website at www.treasurer.mo.gov. Holders submitting reports concerning the property of fewer than fifty (50) owners may choose to do so electronically rather than by paper report. Any holder failing to report as required under this provision may be subject to the penalties set forth in section 447.577, RSMo;

(6) Late Identification of Owner.

(B) Holders who have remitted money to the state should notify the state if an owner appears to claim the property. The state will reimburse the holder, if the state has not already made payment on the account, upon proof of payment and proof that the payee was entitled to the money. Holders may refer owners to the state for payment. Payments made to claimants after remitting money to the [the] state should be made with caution, as the burden of proof will shift from the claimant to the holder.

AUTHORITY: sections 447.505, 447.520, 447.539, 447.543, 447.545 [and], 447.547, 447.558, [RSMo Supp. 1998, and 447.547, 447.562,] 447.579, and 447.587, RSMo [1994] 2016, and section 447.562, RSMo Supp. 2018. This rule was previously filed as 4 CSR 25-1.070. Original rule filed June 3, 1985, effective Sept. 27, 1985. Amended: Filed Sept. 15, 1986, effective Dec. 12, 1986. Amended: Filed Oct. 3, 1991, effective May 14, 1992. Amended: Filed April 15, 1999, effective Sept. 30, 1999. Amended: Filed May 30, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Treasurer's Office, PO Box 210, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS Division 50—Treasurer Chapter 3—Unclaimed Property

PROPOSED AMENDMENT

15 CSR 50-3.100 Sale Of Abandoned Property. This amendment corrects one (1) misspelled term.

PURPOSE: This amendment corrects one (1) misspelled term.

(2) No employee of the Office of the State Treasurer or immediate members of an employee's family, directly or indirectly, shall [know/y] **knowingly** become the purchaser of any property sold at a sale under the provisions of sections 447.500-447.595, RSMo, nor shall the employee bid at any such sale, or be personally interested in the sale, or directly benefit from the sale in any manner whatsoever.

AUTHORITY: sections 447.541 and 447.558, RSMo [Supp. 1998] 2016. This rule was previously filed as 4 CSR 25-1.100. Original rule filed Oct. 3, 1991, effective May 14, 1992. Amended: Filed April 15, 1999, effective Sept. 30, 1999. Amended: Filed May 30, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Treasurer's Office, PO Box 210, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 30—Division of Regulation and Licensure Chapter 95—Medical Marijuana

PROPOSED RULE

19 CSR 30-95.010 Definitions

PURPOSE: This rule defines terms used in Chapter 95.

(1) "Administer" means the direct application of marijuana to a qualifying patient by way of any of the following methods:

(A) Ingestion of capsules, teas, oils, and other marijuana-infused products;

(B) Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils;

(C) Application of ointments or balms;

(D) Transdermal patches and suppositories;

(E) Consuming marijuana-infused food products; or

(F) Any other method recommended by a qualifying patient's physician.

(2) "Affiliate" means any entity effectively controlling or controlled by another entity or associated with other entities under common ownership or control, including a parent or subsidiary.

(3) "Batch" means a specifically identified quantity of medical marijuana, from immature plant stage to harvest, that is uniform in strain and cultivated utilizing the same growing practices.

(4) "Canopy space" means a space measured from the outermost point of a mature flowering plant in a designated growing area and continuing around the outside of all mature flowering plants in that designated growing area but not including space allocated for walkways or ancillary equipment. This space may be spread over a single level or multiple levels.

(5) "Church" means a permanent building primarily and regularly used as a place of religious worship.

(6) "Daycare" means a child-care facility, as defined by section 210.201, RSMo, that is licensed by the state of Missouri.

(7) "Department" means the Department of Health and Senior Services, or its successor agency.

(8) “Disqualifying felony offense” means a violation of, and conviction of or guilty plea to, state or federal law that is, or would have been, a felony under Missouri law, regardless of the sentence imposed, unless the department determines that—

(A) The person’s conviction was for the medical use of marijuana or assisting in the medical use of marijuana;

(B) The person’s conviction was for a non-violent crime for which he or she was not incarcerated and that is more than five (5) years old; or

(C) More than five (5) years have passed since the person was released from parole or probation, and he or she has not been convicted of any subsequent criminal offenses.

(9) “Dried, unprocessed marijuana or its equivalent” means the marijuana flower after it has been cured and trimmed or its equivalent amount of marijuana concentrate or tetrahydrocannabinol (THC). For purposes of purchase and possession limitations, one (1) ounce of dried, unprocessed marijuana is equivalent to eight (8) grams of medical marijuana concentrate or eight hundred (800) milligrams of THC in infused products.

(10) “Economic interest” means rights to either the capital or profit interests therein, or a combination thereof; or, in the case of a corporation, rights to some portion of all classes of outstanding stock of the corporation.

(11) “Elementary or secondary school” means any public school as defined in section 160.011, RSMo, or any private school giving instruction in a grade or grades not higher than the twelfth grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.

(12) “Enclosed, locked facility” means—

(A) An indoor stationary closet, room, garage, greenhouse, or other comparable fully enclosed space equipped with locks or other functioning security devices that permit access to only the qualifying patient(s) or primary caregiver(s) who have informed the department that this is the space where they will cultivate marijuana; or

(B) An outdoor stationary structure—

1. That is enclosed on all sides, except at the base, by chain-link fencing, wooden slats, or a similar material that is anchored, attached, or affixed to the ground and that cannot be accessed from the top;

2. In which the plants are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure at any level; and

3. That is equipped with locks or other security devices that restrict access to only the qualifying patient(s) or primary caregiver(s) who have informed the department that this is the space where they will cultivate marijuana.

(13) “Entity” means a natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

(14) “Flowering plant” means a marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

(15) “Harvest lot” means a specifically identified quantity of marijuana that is uniform in strain, cultivated utilizing the same growing practices, harvested within a seventy-two- (72-) hour period at the same location, and cured under uniform conditions.

(16) “Identification card” means a document, whether in paper or

electronic format, issued by the department that authorizes a qualifying patient, primary caregiver, or employee or contractor of a licensed facility to access medical marijuana as provided by law.

(17) “Liquid capital” means any asset in the form of cash or that can be converted into cash quickly with little or no loss in value, including stocks and marketable securities, government bonds, mutual funds, money market funds, and certificates of deposit.

(18) “Majority owned” means more than fifty percent (50%) of the economic interests and more than fifty percent (50%) of the voting interests of an entity, including any parent and subsidiary entities.

(19) “Marijuana” or “Marihuana” means *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. “Marijuana” or “Marihuana” does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent (0.3%) on a dry weight basis, or commodities or products manufactured from industrial hemp.

(20) “Marijuana-infused products” means products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures, and concentrates.

(21) “Medical marijuana cultivation facility” means a facility licensed by the department, to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

(22) “Medical marijuana dispensary facility” means a facility licensed by the department, to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.

(23) “Medical marijuana-infused products manufacturing facility” means a facility licensed by the department, to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.

(24) “Medical marijuana testing facility” means a facility certified by the department to acquire, test, certify, and transport marijuana.

(25) “Medical marijuana transportation facility” means a facility certified by the department to transport marijuana to a qualifying patient, a primary caregiver, a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another medical marijuana-transportation facility.

(26) “Medical use” means the production, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product, or drug paraphernalia used to administer marijuana or a marijuana-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient’s qualifying medical condition.

(27) “Non-emancipated qualifying patient” means a qualifying patient under the age of eighteen (18) who has not been emancipated

under Missouri law.

(28) “Physician” means an individual who is licensed and in good standing to practice medicine or osteopathy under Missouri law.

(A) A license is in good standing if it is registered with the Missouri Board of Healing Arts as current, active, and not restricted in any way, such as by designation as temporary or limited.

(B) Practice of medicine or osteopathy means practice by persons who hold a physician and surgeon license pursuant to Chapter 334 RSMo, including those who are admitted to practice in Missouri by reciprocity pursuant to 334.043, RSMo.

(29) “Physician certification” means a document, whether handwritten, electronic, or in another commonly used format, signed by a physician and stating that, in the physician’s professional opinion, the patient suffers from a qualifying medical condition.

(30) “Primary caregiver” means an individual twenty-one (21) years of age or older who has significant responsibility for managing the well-being of a qualifying patient and who is designated as such on the primary caregiver’s application for an identification card under this section or in other written notification to the department.

(31) “Principal officers or managers” means persons who, regardless of title, have responsibility for supervising the management, administration, or operation of an entity, including, but not limited to: presidents, vice presidents, or general counsels; chief executive, financial, or operating officers; general partners, managing partners, or controlling partners; managing-members; or trustees.

(32) “Process lot” means, once production is complete, any amount of medical marijuana concentrate or extract of the same type and processed using the same extraction methods, standard operating procedures, and harvest lots; or any amount of medical marijuana infused product of the same type and processed using the same ingredients, standard operating procedures, and harvest lots.

(33) “Public place” means any public or private property, or portion of public or private property, that is open to the general public, including, but not limited to, sidewalks, streets, bridges, parks, schools, and businesses. However, for purposes of designating a non-public place within a public place, the owner or entity with control of any such property may, but is not required to, provide one (1) or more enclosed, private spaces where one (1) qualifying patient and, if required by the owner or entity with control of any such property, a representative of such owner or entity, may congregate for the qualifying patient to consume medical marijuana. The qualifying patient may be accompanied by the family of the qualifying patient, the qualifying patient’s primary caregiver, and/or the qualifying patient’s physician. The owner or entity with control of any such property may provide such a space by individual request or designate such a space for ongoing use and may limit use of medical marijuana in that space to uses that do not produce smoke. Any such permission shall be given in writing and provided to the qualifying patient or publicly posted prior to a qualifying patient’s use of medical marijuana in that space.

(34) “Qualifying medical condition” means the condition of, symptoms related to, or side-effects from the treatment of—

(A) Cancer;

(B) Epilepsy;

(C) Glaucoma;

(D) Intractable migraines unresponsive to other treatment;

(E) A chronic medical condition that causes severe, persistent pain or persistent muscle spasms, including, but not limited to, those associated with multiple sclerosis, seizures, Parkinson’s disease, and Tourette’s syndrome;

(F) Debilitating psychiatric disorders, including, but not limited

to, post-traumatic stress disorder, if diagnosed by a state-licensed psychiatrist;

(G) Human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS);

(H) A chronic medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, when a physician determines that medical use of marijuana could be effective in treating that condition and would serve as a safer alternative to the prescription medication;

(I) Any terminal illness; or

(J) In the professional judgment of a physician, any other chronic, debilitating or other medical condition, including, but not limited to, hepatitis C, amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn’s disease, Huntington’s disease, autism, neuropathies, sickle cell anemia, agitation of Alzheimer’s disease, cachexia, and wasting syndrome.

(35) “Qualifying patient” means a Missouri resident diagnosed with at least one (1) qualifying medical condition.

(36) “Seed-to-sale tracking system” means a software system, including the statewide track and trace system, designed to perform functions necessary to fulfill a licensed or certified facility’s responsibilities in tracking medical marijuana from either the seed or immature plant stage until the medical marijuana is sold to a qualifying patient or primary caregiver.

(37) “Signature” means a handwritten or electronic signature.

(38) “Statewide track and trace system” means the system the department uses to track medical marijuana from either the seed or immature plant stage until the medical marijuana is sold to a qualifying patient or primary caregiver to ensure that all medical marijuana sold in Missouri was cultivated or manufactured in Missouri, that all medical marijuana cultivated or manufactured in Missouri is sold only by dispensaries and only to individuals in possession of a valid qualifying patient or primary caregiver identification card, and that any given qualifying patient or primary caregiver is only purchasing the amount of medical marijuana he or she is approved to purchase at any given time.

(39) “Substantially common control, ownership, or management” means—

(A) The possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of an entity, by any means, including ownership, contract, financing, or otherwise;

(B) The legal or beneficial ownership, directly or indirectly through ownership of an affiliate entity, of ten percent (10%) or more of an entity’s outstanding voting stock or other ownership interest;

(C) The ownership, directly or indirectly through the ownership of an affiliate entity, of a majority of the capital assets, real property assets, or leasehold interests; or

(D) The ability to make policy decisions, operating decisions, or decisions regarding the allocation of income and expenses for the entity, whether directly or by a management agreement.

AUTHORITY: Sections 1.3.(1)(b), 1.3.(2), 1.3.(3), and 1.3.(4) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. Original rule filed May 24, 2019.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Lyndall Fraker, PO Box 570, Jefferson City, MO 65102 or via email at MMPublicComment@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

PROPOSED RULE

19 CSR 30-95.025 Generally Applicable Provisions

PURPOSE: The Department of Health and Senior Services has the authority to promulgate rules for the enforcement of Article XIV, Section 1 of the Missouri Constitution. This rule explains what general provisions are necessary for the enforcement of the Article.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Patient Registry Access. Qualifying patient and primary caregiver information collected by the department shall not be released to anyone outside the department except for purposes authorized by federal law or Article XIV, Section 1 of the *Missouri Constitution*, including:

(A) Upon request and for purposes of verifying whether a particular individual is lawfully in possession of a qualifying patient, primary caregiver, or patient cultivation identification card or lawfully in possession of a particular amount of marijuana, state and local law enforcement personnel shall have access to patient and caregiver information such as names, addresses, dates of birth, and purchase limitations; and

(B) For the purposes of verifying whether a particular qualifying patient or primary caregiver may purchase an amount of medical marijuana or medical marijuana seeds or plants, dispensary facilities shall have access to patient and primary caregiver names and purchase limitations.

(2) Variances.

(A) The department may waive, for good cause, provisions of this chapter on its own initiative or by request.

(B) Requests for variance from the requirements of any provision of this chapter shall be made in writing and will be granted or denied by the director of the department's medical marijuana program. Requests shall include:

1. A list of each requirement for which a variance is requested, with citation to the specific rule in which the requirement can be found; and

2. An explanation for why the requirement cannot be met or why meeting the requirement would impose an undue burden on the applicant.

(C) Denial of variance requests shall be issued by the department in writing and shall include the specific reasons for the denial.

(3) Complaints. All complaints against licensed or certificated medical marijuana facilities must be submitted through the department's website at <http://medicalmarijuana.mo.gov>. Complaints shall include

the name and address of the facility against which the complaint is made and a clear description of what violation the complainant believes the facility has committed.

(A) Upon complaint against a facility, the department will determine whether an inspection is warranted to investigate the allegations in the complaint.

(B) If the department conducts an inspection, the facility will receive a copy of the complaint.

(C) Employees of a facility who report potential violations by a facility to the department may not be subjected to retaliation of any kind, including termination, because of their report.

(4) Facility Evaluation Criteria. All applicants for cultivation, dispensary, manufacturing, testing, or transportation licenses or certifications will be evaluated for whether they meet minimum standards as described in subsection (A) of this section. During application time periods where more qualified applicants apply for cultivation, dispensary, manufacturing, or testing licenses or certifications than there are licenses or certificates available in that category, the department will use a system of numerically scoring ten (10) additional evaluation criteria to rank the applications in each such license or certification category against each other.

(A) The minimum standards for licenses and certifications can be met by providing all material required by 19 CSR 30-95.040(2) in order to show, as applicable—

1. Authorization to operate as a business in Missouri;

2. That the entity is majority owned by natural persons who have been residents of Missouri for at least one (1) year;

3. That the entity is not under substantially common control as another entity or a combination of other entities in violation of 19 CSR 20-95.040(3)(C)-(D);

4. That the entity is not within one thousand (1000) feet of an existing elementary or secondary school, daycare, or church, or, if a local government allows for closer proximity to schools, daycares, and churches, that the entity complies with the local government's requirements;

5. Eligibility to operate in a local jurisdiction; and

6. That the entity will not be owned, in whole or in part, or have as an officer, director, board member, or manager, any individual with a disqualifying felony offense.

(B) The additional evaluation criteria, which will be numerically scored, are—

1. The character, veracity, background, qualifications, and relevant experience of principal officers or managers;

2. The business plan proposed by the applicant, which in the case of cultivation facilities and dispensaries shall include the ability to maintain an adequate supply of medical marijuana, plans to ensure safety and security of qualifying patients and the community, procedures to be used to prevent diversion, and any plan for making medical marijuana available to low-income qualifying patients;

3. Site security;

4. Experience in a legal cannabis market;

5. In the case of testing facilities, the experience of the facility's personnel with the health care industry and with testing marijuana, food, or drugs for toxins and/or potency;

6. The potential for the facility to have a positive economic impact in the site community;

7. In the case of cultivation facilities, capacity or experience with agriculture, horticulture, and health care;

8. In the case of dispensary facilities, capacity or experience with health care, the suitability of the proposed location, and its accessibility for patients;

9. In the case of infused products manufacturing facilities, capacity or experience with food and beverage manufacturing; and

10. Maintaining competitiveness in the medical marijuana marketplace.

(C) When applicable, numerical scoring of evaluation criteria will be conducted as follows:

1. Applications will be separated from their identifying information, including facility business names, and names, addresses, and Social Security numbers of individuals, and assigned a numerical identifier for use during scoring;

2. Applications will be scored based on responses to evaluation criteria questions. Responses may take the form of written answers or written answers with attachments.

A. Each type of facility or certification application will be scored and ranked against the other applications of the same type. For dispensaries, applications will be scored and ranked against other dispensary applications in the same congressional district.

B. Applications will be scored without reference to the identities of the facilities or of individuals named in an application. Written responses to evaluation criteria questions must not refer to facility business names, either legal or fictitious, and must refer to individuals by title and initials only, e.g. "Owner A.E.M." or "Principal Officer R.W.M." Any attachments to evaluation criteria question responses shall be redacted so as to obscure the facility business names and the names, addresses, and Social Security numbers of any individuals mentioned in the application. Unredacted versions of those same documents will be submitted separately in a section of the application designated for this purpose.

C. Responses to evaluation criteria questions in which a business or individual is identified by name will not be scored;

3. Evaluation criteria questions and initial scoring shall be as delineated in the Evaluation Criteria Questions and Points table, the Evaluation Criteria Scoring table, and the Evaluation Criteria Topics and Values table, which are incorporated by reference in this rule as published by the department and available on the department's website at <http://medicalmarijuana.mo.gov>. This rule does not incorporate any subsequent amendments or additions;

4. The same evaluation criteria question in each application will be scored by the same individual, if possible, and scores that vary significantly from other scores for the same questions may be rescored. If rescored, the first score will be discarded, and the second score will stand;

5. Once all applications have been assigned an initial rank and score, the department will reconnect the applications with their identifying information;

6. After evaluation criteria questions have been initially scored, and in order to award points to applicants that seek to locate in economically distressed areas, thereby supporting a potential for positive economic impact in the site community, the rankings of such facilities will be further adjusted by awarding additional points as follows:

A. Any facility seeking a license to locate within a zip code area that has an employment rate of eighty-five percent to eighty-nine and nine tenths percent (85-89.9%) will receive a scoring increase of thirty percent (30%) of the average initial score of all applicants of the same facility type within the evaluation criteria topic regarding potential for positive economic impact in the site community; and

B. Any facility seeking a license to locate within a zip code area that has an employment rate of zero to eighty-four and nine tenths percent (0-84.9%) will receive a scoring increase of forty percent (40%) of the average initial score of all applicants of the same facility type within the evaluation criteria topic regarding potential for positive economic impact in the site community; and

C. For the purposes of this paragraph, zip code employment data was obtained from the "U.S. Census Bureau, American Community Survey 2013-2017, Employment Status, Population 16 years and over," published by the Missouri Census Data Center. The applicable zip codes are listed in the table included herein;

7. For cultivation, manufacturing, and testing facilities, the score following any adjustments under paragraph 6. of this subsection is the final score;

8. For dispensary facilities, after evaluation criteria questions have been initially scored and adjusted as applicable under paragraph 7. of this subsection, and in order to facilitate patient access to medical marijuana, the rankings of dispensary facilities will be further

adjusted by awarding additional points due to geographic location as follows:

A. First, the highest scoring dispensary facility in each of the one hundred sixty-three (163) Missouri House of Representatives districts as drawn and in effect on December 6, 2018, will receive an increase to its score pursuant to subparagraph C. of this paragraph, and all dispensary facility applicants' rankings will then be reordered. A map of the state of Missouri showing the applicable boundary lines of Missouri's house districts is available on the department's website;

B. Finally, any dispensary facility applicant with a location more than twenty-five (25) miles, measured in a straight line, from any other dispensary facility applicant or existing dispensary facility will receive an additional increase to its score pursuant to subparagraph C. of this paragraph, and all dispensary facility applicants' rankings will again be reordered. The resulting rank and score will be each dispensary facility's final rank and score;

C. Scoring increases due to geographic location will be equal to five percent (5%) of the average initial score of the top twenty-four (24) ranked facilities in each congressional district that has at least twenty-four (24) dispensary facility applicants; and

D. In cases where a house district is segmented by the boundary lines of two (2) or more congressional districts, for purposes of the adjustments in this paragraph, only the segment of that house district with the highest population, as of the 2010 United States Population Census, will be utilized; and

9. In the case of a tie for the last available license or certification in any category, the license or certification will go to—

A. The facility with the highest score in the topic specifically relating to that facility type;

B. If a tie remains, then the facility with the highest score in the business plan topic;

C. If a tie remains, then the facility with the highest score in the character topic;

D. If a tie remains, then the facility with the highest score in the site security topic;

E. If a tie remains, then the facility with the highest score in the economic impact topic;

F. If a tie remains, then the facility with the highest score in the legal cannabis market experience;

G. If a tie remains, then the facility will be chosen by lottery.

(D) Licenses and certifications will be issued as follows:

1. When the numerical scoring system is used, the highest ranked facilities for each type of facility and, for dispensaries, in each congressional district, will receive licenses or certifications, except in cases where an entity under substantially common control, ownership, or management has applied for more than three (3) cultivation, three (3) manufacturing, or five (5) dispensary licenses. In those cases, the department will only issue licenses to the highest ranked facilities associated with that entity, up to the maximum number allowable in each category of license; and

2. When the numerical scoring system is not used, all facilities that meet the minimum standards for licenses or certifications will be issued licenses or certifications, except in cases where an entity under substantially common control, ownership, or management has applied for more than five (5) dispensary licenses and some of those dispensaries are located in congressional districts that were numerically scored. In those cases, the department will first issue licenses to the dispensaries associated with that entity in congressional districts that were not numerically scored. Any remaining dispensaries associated with that entity will be issued licenses according to that dispensary's rank and score.

(5) The department will impose penalties as follows:

(A) For possessing marijuana in amounts between the possessor's legal limit and twice the legal limit, in addition to revocation of identification card(s) pursuant to 19 CSR 30-95.030(3)(B)1.D., the possessor will incur a penalty of two hundred dollars (\$200);

(B) For failure to package medical marijuana consistent with 19 CSR 30-95.040(4)(K), a facility will incur a penalty of five thousand dollars (\$5,000) for each category of improperly packaged product, and the improperly packaged medical marijuana will be recalled for repackaging or disposal, at the department's discretion; and

(C) Any person or facility that extracts resins from marijuana using combustible gases or other dangerous materials without a manufacturing facility license, shall incur a penalty.

1. In addition to revocation of identification cards pursuant to 19 CSR 30-95.030(3)(B)1.I., any patients or primary caregivers who extract resins in this manner will incur a penalty of two hundred dollars (\$200).

2. In addition to suspension of license pursuant to 19 CSR 30-95.040(1)(E)7., facilities that extract resins in this manner will incur a penalty of ten thousand dollars (\$10,000).

(6) Appeals.

(A) The following department decisions shall be appealable to the administrative hearing commission:

1. Denial, revocation, or suspension of licenses or certifications; and

2. Denial or revocation of patient, primary caregiver, patient cultivation, or facility agent identification cards.

(B) Any person or entity entitled to appeal to the administrative hearing commission under this rule must file a petition with the administrative hearing commission within thirty (30) days after the date the department decision is sent to the person or entity. An untimely appeal will not be considered.

(C) Notwithstanding the limits on licenses and certifications set forth in 19 CSR 30-95.050(1)(A), 19 CSR 30-95.060(1)(A), 19 CSR 30-95.070(1), and 19 CSR 30-95.080(1)(A)-(B), the department may grant additional facility licenses or certifications as a remedy to timely appeals when:

1. Ordered to do so by the administrative hearing commission or a court of competent jurisdiction; or

2. The department determines doing so in settlement of such an appeal best serves implementation of Article XIV, Section 1 of the *Missouri Constitution*.

(7) Statewide Track and Trace System.

(A) No entity holding a contract with the state of Missouri for a statewide track and trace system or any affiliates of that entity may sell seed-to-sale services or services related to compliance with seed-to-sale tracking regulations to a licensed or certified facility.

(B) Unless otherwise addressed or prohibited by contract or law, an entity holding a contract with the state of Missouri for a statewide track and trace system and any affiliates of that entity may charge a price to a licensed or certified facility for plant/product tracking labels, but no such price shall exceed the cost of producing the label in an amount that would create more than thirty percent (30%) net profit on each label.

(8) Unless otherwise stated, any reference to days in Chapter 95 will mean calendar days.

US Census Bureau 2013-2017 American Community Survey 5-Year Estimates
Missouri Employment Data by Zip Code Tabulation

63633	89.9
63937	89.9
63964	89.9
64132	89.9
64620	89.9
63463	89.8
63655	89.8
65622	89.8
65664	89.8
65752	89.8
64847	89.7
65326	89.7
63873	89.6
64650	89.6
65583	89.5
65733	89.5
64053	89.4
64733	89.4
64848	89.4
65462	89.4
63135	89.3
64744	89.3
65629	89.3
64857	89.2
65722	89.2
63770	89.1
65473	89.1
65605	89.1
63673	89
65232	89
65739	89
63071	88.9
63629	88.9
65037	88.9
65017	88.8
63347	88.7
64109	88.7
64633	88.7

65237	88.7
63851	88.6
64126	88.6
65243	88.5
65571	88.5
65625	88.5
65626	88.5
64431	88.4
65555	88.4
63382	88.3
63561	88.3
63121	88.2
64639	88.2
64867	88.2
63540	88.1
63653	87.9
65656	87.9
64866	87.8
63041	87.7
65737	87.7
63782	87.5
63343	87.4
64127	87.4
64776	87.4
63665	87.3
65774	87.3
63118	87.1
64740	87.1
65067	87.1
65250	87
65535	86.9
63023	86.8
63137	86.8
63868	86.8
64130	86.8
65464	86.8
63134	86.7
64128	86.7

65453	86.7
63112	86.6
63834	86.6
65785	86.6
63458	86.4
63846	86.4
63636	86.3
63869	86.3
63472	86.2
63961	86.1
63443	86
63547	86
63824	86
64090	86
63860	85.7
64499	85.7
65755	85.6
63830	85.5
63138	85.4
63431	85.4
63944	85.2
65667	85.2
65777	85.2
64163	85
63932	84.9
63862	84.8
64136	84.7
63853	84.5
65247	84.5
63147	84.4
65634	84.4
65338	84.3
65760	84.3
63136	84.2
65463	84.2
63952	83.8
63829	83.5
63622	83.4
65674	83.4
65724	83.3
63787	83

65767	83
63087	82.8
63107	82.8
63966	82.3
64743	82.2
64861	81.9
63113	81.6
63866	81.4
64125	80.9
63626	80.4
65079	80.3
63133	80
63955	79.3
63115	79
64676	78.7
64433	77.9
65543	77.8
63120	76.2
63663	75.9
63106	75.8
63849	75.7
65618	75.6
64654	75
65623	75
65702	75
65534	73.7
63945	73
63784	70.6
64147	70.6
63878	69.2
65529	68.6
65768	67.7
65456	64.2
63847	63.6
63047	53.3
63774	50
63674	44.3
63962	0

AUTHORITY: Sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. Original rule filed May 24, 2019.

PUBLIC COST: This proposed rule has an estimated cost to state agencies or political subdivisions of \$2,029,442 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Lyndall Fraker, PO Box 570, Jefferson City, MO 65102 or via email at MMPublicComment@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: Medical Marijuana**

Rule Number and Title:	19 CSR 30-95.025 Generally Applicable Provisions
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health & Senior Services' costs =	\$2,029,442 for the first three year period and \$272,208 for annually thereafter
Total =	\$2,029,442 for the first three year period and \$272,208 for annually thereafter

III. WORKSHEET**Facility Licensing & Compliance Director**

One quarter (1/4) of one (1) FTE with an annual salary of \$18,750 and with estimated fringe benefits of \$8,866.

One quarter (1/4) of One-Time First Year expense (computer, office, furniture etc.) for one FTE listed above - \$1,165

One quarter (1/4) of On-going expenses (including travel, office supplies, network, printing, etc.) for one FTE - \$3,320

$\$18,750 \text{ (salary)} + \$8,866 \text{ (fringe benefits)} + \$3,320 \text{ (on-going expenses)} \times \text{three (3)}$
 $= \$92,808 + \$1,165 \text{ (one-time first year expense)} = \$93,973 \text{ for the first three year period.}$

$\$18,750 \text{ (salary)} + \$8,866 \text{ (fringe benefits)} + \$3,320 \text{ (on-going expenses)} = \$30,936$
 annually thereafter.

Facility Licensing Managers

Half (1/2) of one (1) FTE with an annual salary of \$30,000 and with estimated fringe benefits of \$15,447.

One-Time First Year expense (computer, office, furniture etc.) for half (1/2) of one (1) FTE listed above - \$2,331

On-going expenses (including travel, office supplies, network, printing, etc.) for half (1/2) of one (1) FTE - \$6,639

$\$30,000$ (salary) + $\$15,447$ (fringe benefits) + $\$6,639$ (on-going expenses) X three (3) = $\$156,258$ - $\$2,331$ (one-time first year expense) = $\$158,589$ for the first three year period.

$\$30,000$ (salary) + $\$15,447$ (fringe benefits) + $\$6,639$ (on-going expenses) = $\$52,086$ annually thereafter.

Facility Licensing Specialists

Two (2) FTE's with total annual salaries of $\$104,000$ and with estimated fringe benefits of $\$56,913$.

One-Time First Year expense (computer, office, furniture etc.) for two (2) FTEs listed above - $\$9,322$

On-going expenses (including travel, office supplies, network, printing, etc.) for two (2) FTEs - $\$28,273$

$\$104,000$ (salary) - $\$56,913$ (fringe benefits) + $\$28,273$ (on-going expenses) X three (3) = $\$567,558$ + $\$9,322$ (one-time first year expense) = $\$576,880$ for the first three year period.

$\$104,000$ (salary) + $\$56,913$ (fringe benefits) + $\$28,273$ (on-going expenses) = $\$189,186$ annually thereafter.

Application Scoring Contract

Estimated One-Time contract cost of $\$750,000$ to $\$1.2$ million.

IV. ASSUMPTIONS

In order to process the variance requests, complaints, and pre- and post-scoring application review described in this proposed rule, the department will need a Facility Licensing Manager, who will also perform other duties not covered by this proposed rule, and two (2) Facility Licensing Specialists.

In order to supervise the work of the Facility Licensing Manager and to process and issue penalties, the department will need a Facility Licensing & Compliance manager, who will also perform other duties not covered by this proposed rule.

The department will require an independent, third-party entity to perform the blind scoring of Facility Evaluation Criteria described in the proposed rule. The cost of contracting with such an entity is unknown but, based on research of similar projects conducted in other states, the cost is estimated to be between $\$750,000$ and $\$1.2$ million.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

PROPOSED RULE

19 CSR 30-95.030 Qualifying Patient/Primary Caregiver

PURPOSE: Under Article XIV, Section 1 of the Missouri Constitution, patients with qualifying medical conditions have the right to discuss freely with their physicians the possible benefits of medical marijuana use and the right to use medical marijuana for treatment under the supervision of a physician. Pursuant to the same article, the Department of Health and Senior Services is tasked with ensuring patient access to medical marijuana, subject to reasonable restrictions. This rule explains how the department will implement provisions of Article XIV related to Qualifying Patients and Primary Caregivers.

(1) Physician Certification. A qualifying patient must obtain a new physician certification at least annually. In every application for which a physician certification is required, the physician certification must be less than thirty (30) days old at the time the application is submitted.

(2) Identification Card Applications. Qualifying patients and primary caregivers shall obtain identification cards from the department, which will include unique, identifying numbers for each patient and each caregiver-patient relationship. A qualifying patient or his or her primary caregivers may also obtain an identification card to cultivate up to six (6) flowering marijuana plants for the exclusive use of that qualifying patient. The department will receive applications for qualifying patients, primary caregivers, and patient cultivation electronically through a department-provided, web-based application system. In the event of application system unavailability, the department will arrange to accept applications in an alternative, department-provided format and will notify the public of those arrangements through its website at <http://medicalmarijuana.mo.gov>.

(A) All applications for qualifying patient identification cards and renewal of such identification cards shall include at least the following information:

1. The qualifying patient's name, date of birth, and Social Security number;
2. The qualifying patient's residence address and mailing address or, if the qualifying patient has no residence or mailing address, an address where the qualifying patient can receive mail;
3. A statement that the qualifying patient resides in Missouri and does not claim resident privileges in another state or country, as well as proof of current Missouri residency, which shall be shown by—
 - A. A copy of a valid Missouri driver's license, a Missouri Identification Card, a current Missouri motor vehicle registration, or a recent Missouri utility bill; or
 - B. If none of these proofs are available, some other evidence of residence in Missouri, which shall be approved or denied by the director of the medical marijuana program as sufficient proof of residency;
 4. The qualifying patient's e-mail address;
 5. A statement confirming that—
 - A. One (1) physician certification, which is less than thirty (30) days old, has been submitted on behalf of the qualifying patient; or
 - B. Two (2) physician certifications, which are less than thirty (30) days old, have been submitted on behalf of the qualifying patient in order to authorize possession limits other than those established by section (5) of this rule;
 6. A legible copy of the qualifying patient's photo identification

issued by a state or federal government entity;

7. If the qualifying patient is a non-emancipated qualifying patient, the name, Social Security number, and a Parental/Legal Guardian Consent Form, included herein, completed by a parent or legal guardian who will serve as primary caregiver for the qualifying patient;

8. A clear, color photo of the applicant's face taken within the prior three (3) months;

9. At the option of the applicant, a statement indicating whether the applicant is currently receiving assistance from any Missouri programs for low-income individuals, and if so, which programs;

10. If the patient is seeking authority to cultivate medical marijuana—

A. The address of the facility in which the qualifying patient will cultivate marijuana;

B. A description of the security arrangements and processes that will be used to restrict access to only qualifying patients and their primary caregivers;

C. The name and Patient License Number or Caregiver License Number, if applicable, of one (1) other qualifying patient or primary caregiver with whom the cultivating facility will be shared;

D. A statement affirming the applicant's agreement to immediately make available access to the patient cultivation facility upon request from the department. Such access will be only for purposes of confirming compliance with this rule and will be limited to the enclosed locked facility and any areas necessary to reach and enter the facility on a path of the patient's or primary caregiver's choosing;

11. An attestation that the information provided in the application is true and correct;

12. The signature of the qualifying patient and date the qualifying patient signed, or, in the case of a non-emancipated qualifying patient, the signature of the parent or legal guardian who will serve as primary caregiver for the qualifying patient and the date the parent or legal guardian signed; and

13. All applicable fees.

(B) All applications for primary caregiver identification cards and renewal of such identification cards shall include at least the following information:

1. The primary caregiver's name, date of birth, and Social Security number;
2. The primary caregiver's residence address and mailing address;
3. The primary caregiver's e-mail address;
4. The name and Patient License Number of the qualifying patient for whom the applicant seeks to serve as primary caregiver;
5. A legible copy of the primary caregiver's photo identification issued by a state or federal government entity;
6. If the qualifying patient is a non-emancipated qualifying patient, a statement that the primary caregiver is the qualifying patient's parent or legal guardian and—
 - A. A copy of a birth certificate or adoption record showing the primary caregiver as the qualifying patient's parent; or
 - B. A copy of documentation establishing legal guardianship of the primary caregiver over the qualifying patient;
7. A clear, color photo of the applicant's face taken within the prior three (3) months;
8. If the primary caregiver is seeking authority to cultivate medical marijuana on behalf of the patient—
 - A. The address of the facility in which the primary caregiver will cultivate marijuana;
 - B. A description of the security arrangements and processes that will be used to restrict access to only qualifying patients and their primary caregivers;
 - C. The name and Patient License Number or Caregiver License Number, if applicable, of one (1) other qualifying patient or primary caregiver with whom the cultivating facility will be shared; and

D. A statement affirming the applicant's agreement to immediately make available access to the patient cultivation facility upon request from the department. Such access will be only for purposes of confirming compliance with this rule and will be limited to the enclosed locked facility and any areas necessary to reach and enter the facility on a path of the patient's or primary caregiver's choosing;

9. An attestation that the information provided in the application is true and correct;

10. The signature of the primary caregiver and date the primary caregiver signed;

11. Except in the case of a non-emancipated qualifying patient, a Patient Authorization Form, included herein, completed by the qualifying patient who the primary caregiver will serve; and

12. All applicable fees.

(3) Application Processes.

(A) Upon receiving an application for a qualifying patient identification card, primary caregiver identification card, or patient cultivation identification card, the department shall, within thirty (30) days, either approve the application or provide a written explanation for its denial.

1. In the case of qualifying patient and patient cultivation identification cards, if the department fails to deny or fails to approve an application within thirty (30) days, a card will be issued that will be valid for one (1) year and will serve all the same functions as would a card issued after application approval.

2. An application for a qualifying patient or patient cultivation identification card will be considered received when an application is submitted to the department that includes all information required by section (2) of this rule. The department will notify an applicant once if an application is incomplete and will specify in that notification what information is missing.

(B) Denial and revocation.

1. Qualifying patient, primary caregiver, and patient cultivation identification cards may be denied or revoked.

A. If an applicant provides false or misleading information in an application, the identification card for which the applicant is applying will be denied.

B. If an applicant fails to provide a complete application within ten (10) days of being notified that an application is incomplete, the identification card for which the applicant is applying will be denied.

(I) An applicant will be considered notified on the date the department sends a written explanation of how the application is incomplete to a mailing or e-mail address provided by the applicant.

(II) If an applicant fails to provide either a mailing or e-mail address, the department will not issue notice but will hold the application for thirty (30) days before denying it.

C. If a card holder violates any provision of this rule, any medical marijuana identification cards currently held by that individual may be revoked.

D. If a card holder is found to be in possession of an amount of marijuana greater than the medical marijuana legal limit applicable to that individual, any medical marijuana identification cards currently held by that individual will be revoked. In such a case, the identification card may be revoked for up to one (1) year.

E. If a card holder is convicted of, pleads guilty to, or receives a suspended imposition of sentence for a violation of section 579.020, 579.065, or 579.068, RSMo or for a violation of a similar law of another state, any medical marijuana identification cards currently held by that individual will be revoked. In such a case, the revocation shall be permanent, absent a gubernatorial pardon or expungement.

F. If an applicant has applied for a qualifying patient, primary caregiver, or qualifying patient cultivation identification card and received two (2) denials within a twelve- (12-) month period, has any of these types of identification cards revoked twice within a twenty-

four (24) month period, or applied for any of these types of identification cards and been denied once and also had any of these types of identification cards revoked once within a twenty-four- (24-) month period, the identification card for which the applicant is applying will be denied.

G. If a patient cultivation identification card holder fails to immediately make available access to his or her patient cultivation facility upon request from the department, the patient cultivation identification card will be revoked.

H. If medical marijuana is stolen or lost, is identifiable as medical marijuana purchased by a particular qualifying patient or primary caregiver, is discovered in the possession of an individual who is not the qualifying patient or primary caregiver authorized to possess that medical marijuana, and was not timely reported as stolen or lost by the qualifying patient or primary caregiver authorized to possess that medical marijuana, the qualifying patient's or primary caregiver's identification card may be revoked.

I. If a qualifying patient or primary caregiver uses combustible gases or other dangerous materials to extract resins from marijuana, the qualifying patient's or primary caregiver's identification card may be revoked for up to one (1) year.

J. If the department determines there is good cause to do so, an application for a patient cultivation identification card may be denied.

2. Any denial or revocation shall be issued by the department in writing to the qualifying patient or, in the case of a primary caregiver, to the qualifying patient and the primary caregiver, and shall include the specific reasons for the denial or revocation and the process for requesting review of the department's decision.

(C) Renewal. Qualifying patient, primary caregiver, and patient cultivation identification cards are valid for twelve (12) months from their date of issuance and shall be renewable by submitting, prior to expiration by at least thirty (30) days but no sooner than sixty (60) days, a new or updated application, which shall include any information required by section (2) that has changed since the date of the previous application, including a new physician certification.

(D) The department shall charge a fee for medical marijuana identification card applications.

1. There will be a separate fee for each application to be a qualifying patient, each application to be a primary caregiver on behalf of a specific qualifying patient, and each application to cultivate medical marijuana on behalf of a specific qualifying patient.

2. Requests for authority to cultivate medical marijuana on behalf of a qualifying patient may be made within a qualifying patient or primary caregiver application or may be made separately at a later time. However, the authorization to cultivate will be added to the qualifying patient or primary caregiver identification card and will only remain valid as long as the qualifying patient or primary caregiver's identification card is still valid.

3. Current fees, including any adjustments, will be posted on the department's website at <http://medicalmarijuana.mo.gov>.

(E) If the name or address of a qualifying patient or primary caregiver changes after an identification card is issued, the qualifying patient or primary caregiver shall notify the department within ten (10) days of the change.

(4) Qualifying Patient Cultivation.

(A) All qualifying patient cultivation shall take place in an enclosed, locked facility, as defined in 19 CSR 30-95.010.

(B) One (1) qualifying patient may cultivate up to six (6) flowering marijuana plants, six (6) nonflowering marijuana plants (over fourteen (14) inches tall), and six (6) clones (plants under fourteen (14) inches tall) at any given time in a single, enclosed locked facility. Two (2) qualifying patients, who both hold valid qualifying patient cultivation identification cards, may share one (1) enclosed, locked facility. No more than twelve (12) flowering marijuana plants, twelve (12) nonflowering plants, and twelve (12) clones may be cultivated in a single, enclosed locked facility, except when one (1) of

the qualifying patients, as a primary caregiver, also holds a patient cultivation identification card for a third qualifying patient, in which case that primary caregiver may cultivate six (6) additional flowering marijuana plants, six (6) additional nonflowering marijuana plants, and six (6) additional clones for a total of eighteen (18) flowering marijuana plants, eighteen (18) nonflowering marijuana plants, and eighteen (18) clones in a single, enclosed locked facility.

(C) Under no circumstance will a qualifying patient be entitled to cultivate, or have cultivated on his or her behalf, more than six (6) flowering marijuana plants.

(D) Nothing in this section shall convey or establish a right to cultivate medical marijuana in a facility where state law or a private contract would otherwise prohibit doing so.

(E) All cultivated flowering marijuana plants in the possession of a qualifying patient or primary caregiver shall be clearly labeled with the qualifying patient's name.

(F) The department shall provide each qualifying patient or primary caregiver who receives a qualifying patient cultivation identification card with a cultivation authorization, which shall be clearly displayed within the enclosed cultivation area and in close proximity to the marijuana plants. The authorization shall list the name of the qualifying patient or primary caregiver and the address of the facility in which that qualifying patient or primary caregiver is authorized to cultivate marijuana.

(5) Purchase and Possession Limitations.

(A) Qualifying patients may only purchase, or have purchased on their behalf by their primary caregivers, four (4) ounces of dried, unprocessed marijuana per qualifying patient, or its equivalent, in a thirty- (30-) day period.

(B) Qualifying patients may only possess, or instruct a primary caregiver to possess on their behalf—

1. In the case of qualifying patients who do not cultivate or have medical marijuana cultivated on their behalf, up to a sixty- (60-) day supply of dried, unprocessed marijuana per qualifying patient, or its equivalent; or

2. In the case of qualifying patients who are cultivating marijuana for medical use or whose primary caregivers are cultivating marijuana on their behalf, up to a ninety- (90-) day supply of dried, unprocessed marijuana or its equivalent, so long as the supply of medical marijuana cultivated by the qualifying patients or primary caregivers remains on property under their control.

(C) All medical marijuana purchased from a dispensary must be stored in or with its original packaging.

(D) Primary caregivers may possess a separate legal limit for each qualifying patient under their care and a separate legal limit for themselves if they are a qualifying patient, each of which shall be stored separately for each qualifying patient and labeled with the qualifying patient's name.

(E) Purchase and possession limits established in this section shall not apply to a qualifying patient with written certification from two (2) independent physicians that there are compelling reasons why the qualifying patient needs a greater amount than the limits established in this section.

1. In such a case, both independent physicians must state in their certifications what amount the qualifying patient requires, which shall then be that patient's limit.

2. If the two (2) independent physicians disagree on what amount should be the patient's limit, the lower of the two (2) amounts shall be that patient's limit.

3. If the patient's limit is increased after receiving a qualifying patient identification card, the qualifying patient or primary caregiver shall notify the department within ten (10) days of the change.

(6) Non-Emancipated Qualifying Patient.

(A) A physician shall not issue a certification for the medical use of marijuana for a non-emancipated qualifying patient under the age of eighteen (18) without the written consent of a parent or legal

guardian of the qualifying patient.

(B) The department shall not issue a qualifying patient identification card on behalf of a non-emancipated qualifying patient under the age of eighteen (18) without the written consent of a parent or legal guardian of the qualifying patient. Such card shall be issued to the parent or guardian and not directly to the patient.

(C) Only a parent or guardian may serve as a primary caregiver for a non-emancipated qualifying patient under the age of eighteen (18).

(D) Only the qualifying patient's parent or guardian who holds a primary caregiver identification card shall purchase or possess medical marijuana for a non-emancipated qualifying patient under the age of eighteen (18).

(E) A parent or guardian who holds a primary caregiver identification card shall supervise the administration of medical marijuana to a non-emancipated qualifying patient under the age of eighteen (18).

(7) Qualifying Patient Responsibilities.

(A) No qualifying patient shall consume marijuana for medical use in a public place, unless provided by law.

(B) No qualifying patient who is under the care of a primary caregiver may serve as the primary caregiver for another qualifying patient.

(C) If a qualifying patient is no longer entitled to medical marijuana or no longer wishes to hold a medical marijuana identification card, he or she must notify the department within ten (10) days of that change. The department will confirm in writing that the qualifying patient has voluntarily surrendered the identification card and that the identification card is no longer valid.

(D) If a qualifying patient's medical marijuana is stolen or lost, the qualifying patient must notify the department within two (2) days.

(8) Primary Caregiver Responsibilities.

(A) No individual shall serve as the primary caregiver for more than three (3) qualifying patients.

(B) No individual shall serve as a primary caregiver for a qualifying patient who is already served by two (2) primary caregivers.

(C) If a primary caregiver is no longer entitled to serve as a primary caregiver or no longer wishes to hold a primary caregiver identification card, he or she must notify the department within ten (10) days of that change. The department will confirm in writing that the primary caregiver has voluntarily surrendered the identification card and that the identification card is no longer valid.

(D) If medical marijuana in possession of a primary caregiver is stolen or lost, the primary caregiver must notify the department in a department-approved format within two (2) days.

(9) Disposal of Qualifying Patient Medical Marijuana.

(A) In any case where a qualifying patient is no longer entitled to medical marijuana under any provision of state law or is deceased, any excess medical marijuana or marijuana plants in the possession of the qualifying patient or the patient's primary caregiver or discovered by a third party shall be turned over to a licensed dispensary for disposal within thirty (30) days of the event that makes the qualifying patient ineligible.

1. Before delivering the excess medical marijuana to a dispensary, the individual in possession of the excess medical marijuana must contact the department, and the department will coordinate delivery arrangements between the individual and a dispensary.

2. The individual in possession of excess medical marijuana shall receive from the department written, temporary authorization to transport medical marijuana, which shall include details regarding the delivery arrangements approved by the department.

(B) The possession and transportation of medical marijuana under this section shall not subject the possessor to arrest, criminal or civil liability, or sanctions under Missouri law, provided that the possessor produces on demand to the appropriate authority a copy of the

temporary authorization for transport or evidence of communication
with the department regarding delivery arrangements.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
SECTION FOR MEDICAL MARIJUANA REGULATION
MEDICAL MARIJUANA REGULATORY PROGRAM
PARENT / LEGAL GUARDIAN CONSENT FORM

A Parental/Legal Guardian Consent Form is required by 19 CSR 30-95.030 as proof of consent by a parent or legal guardian for a minor's use of marijuana for medical use and must be submitted with any Patient Registration Application for a non-emancipated qualifying patient. Please ensure information provided is consistent with the applicable Patient Registration Application and the applicable Primary Caregiver Application.

PATIENT NAME:

LAST NAME:

FIRST NAME:

MIDDLE NAME:

PATIENT / LEGAL GUARDIAN WHO WILL SERVE AS PRIMARY CAREGIVER NAME:

LAST NAME:

FIRST NAME:

MIDDLE NAME:

SOCIAL SECURITY NUMBER:

DATE OF BIRTH:

I, _____, affirm I am the parent or legal guardian of _____,
and this is my written consent for the Department of Health and Senior Services to issue a Patient Identification
Card for his/her medical use of marijuana under my supervision.

PARENT / LEGAL GUARDIAN SIGNATURE:

DATE:



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
SECTION FOR MEDICAL MARIJUANA REGULATION
MEDICAL MARIJUANA REGULATORY PROGRAM
PATIENT AUTHORIZATION FORM

A Patient Authorization Form is required by 19 CSR 30-95.030 as proof of a patient's desire that a particular individual serve as the patient's primary caregiver and must be submitted with a Primary Caregiver Registration Application. Please ensure information provided is consistent with the applicable Primary Caregiver Registration Application.

PATIENT NAME:

LAST NAME:

FIRST NAME:

MIDDLE NAME:

PRIMARY CAREGIVER NAME:

LAST NAME:

FIRST NAME:

MIDDLE NAME:

SOCIAL SECURITY NUMBER:

DATE OF BIRTH:

I, _____, affirm that it is my desire that _____, serve as my primary caregiver in order to assist me in the medical use of marijuana.

PATIENT SIGNATURE:

DATE:

MO 580-3271 (5-19)

AUTHORITY: Sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. Original rule filed May 24, 2019.

PUBLIC COST: This proposed rule has an estimated cost to state agencies or political subdivisions of \$4,154,908 in the aggregate.

PRIVATE COST: This proposed rule has an estimated cost to private entities of at least \$3,500,000 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Lyndall Fraker, PO Box 570, Jefferson City, MO 65102 or via email at MMPublicComment@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: Medical Marijuana**

Rule Number and Title:	19 CSR 30-95.030 Qualifying Patient / Primary Caregiver
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health & Senior Services' costs =	\$4,154,908 for the first three year period and \$1,228,706 for annually thereafter
Total =	\$4,154,908 for the first three year period and \$1,228,706 for annually thereafter

III. WORKSHEET

Patient Services Director

One (1) FTE with an annual salary of \$70,000 and with estimated fringe benefits of \$33,941.

One-Time First Year expense (computer, office, furniture etc.) for one FTE listed above - \$4,661

On-going expenses (including travel, office supplies, network, printing, etc.) for one FTE - \$13,277.

$\$70,000$ (salary) + $\$33,941$ (fringe benefits) + $\$13,277$ (on-going expenses) X 3 year = $\$351,654$ + $\$4,761$ (one-time first year expense) = $\$356,415$ for the first three year period.

$\$70,000$ (salary) + $\$33,941$ (fringe benefits) + $\$13,777$ (on-going expenses) = $\$117,718$ annually thereafter.

Patient Services Team Lead

Two (2) FTE's with total annual salaries of \$71,000 and with estimated fringe benefits of \$46,858.

One-Time First Year expense (computer, office, furniture etc.) for two (2) FTEs listed above - \$15,974

On-going expenses (including travel, office supplies, network, printing, etc.) for two (2) FTEs - \$30,633.

$\$71,000$ (salary) + $\$46,858$ (fringe benefits) + $\$30,633$ (on-going expenses) X three (3) = $\$445,473$ + $\$19,338$ (one-time first year expense) = $\$464,811$ for the first three year period.

$\$71,000$ (salary) + $\$46,858$ (fringe benefits) + $\$30,633$ (on-going expenses) = $\$148,491$ annually thereafter.

Patient Services Specialists

Twelve (12) FTE's with total annual salaries of \$426,000 and with estimated fringe benefits of \$281,146.

One-Time First Year expense (computer, office, furniture etc) for twelve (12) FTEs listed above - \$116,028

On-going expenses (including travel, office supplies, network, printing, etc.) for twelve (12) FTEs - \$183,797.

$\$426,000$ (salary) + $\$281,146$ (fringe benefits) + $\$183,797$ (on-going expenses) X three (3) = $\$2,672,829$ + $\$116,028$ (one-time first year expense) = $\$2,788,857$ for the first three year period.

$\$426,000$ (salary) + $\$281,146$ (fringe benefits) + $\$183,797$ (on-going expenses) = $\$890,943$ annually thereafter.

Administrative Office Support Assistant

One (1) FTE with an annual salary of \$35,000 and with estimated fringe benefits of \$23,277.

One-Time First Year expense (computer, office, furniture etc.) for one FTE listed above - \$7,969

On-going expenses (including travel, office supplies, network, printing, etc.) for one FTE - \$13,277.

$\$35,000$ (salary) + $\$23,277$ (fringe benefits) + $\$13,277$ (on-going expenses) X three (3) = $\$214,662$ + $\$7,969$ (one-time first year expense) = $\$222,631$ for the first three year period.

$\$35,000$ (salary) + $\$23,277$ (fringe benefits) + $\$13,277$ (on-going expenses) = $\$71,554$ annually thereafter.

Patient Registry System Contract

Estimated contract cost of \$308,194 for one year.

Call Center installation cost of \$14,000 for year one.

IV. ASSUMPTIONS

In order to process the patient, caregiver, and patient cultivation applications; answer patient, caregiver, and physician inquiries related to these applications; answer public inquiries about patient services; process issues related to lost or stolen cards; and process patient or caregiver rule violations and any resultant ID card revocations, the department will need a Patient Services Director, two Patient Services Team Leads, twelve Patient Services Specialists, and one Administrative Office Support Assistant.

In order to receive and maintain records related to patient, caregiver, and patient cultivation applications, including physician certifications tied to patient applications, the department will need a Patient Registry System, which is an IT solution specifically designed for medical marijuana program functions, including protection of health information and integration with the state system for tracking medical marijuana purchases. All functions of this system referenced throughout Chapter 95 stem from requirements in this rule.

FISCAL NOTE
PRIVATE COST

- I. Department Title: Department of Health and Senior Services**
Division Title: Division of Regulation and Licensure
Chapter Title: Medical Marijuana

Rule Number and Title:	19 CSR 30-95.030 Qualifying Patient / Primary Caregiver
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
20,000	Patients	\$3,500,000 - unknown for the first year
unknown	Caregivers	unknown
Total =		\$3,500,000 - unknown for the first year

III. WORKSHEET**Patients and Patient Caregivers**

Twenty thousand (20,000) patients x \$25 for patient identification card = \$500,000 for one year.

Twenty thousand (20,000) patients x \$150 for physician certification -- \$3,000,000 for one year.

IV. ASSUMPTIONS

Each patient or caregiver who chooses to apply to the department for authorization to purchase and possess medical marijuana will be charged an application fee in the amount of twenty-five (25) dollars. If that individual also applies for authorization to cultivate medical marijuana, he or she will be charged an application fee of one hundred (100) dollars. If individuals choose to renew their authorizations, they will be charged these fees again at the time of their application for renewal.

The University of Missouri conducted a market analysis to try to predict, among other things, how many patients would apply for medical marijuana access in the first year the program is functioning. The analysis concluded Missouri can expect approximately twenty thousand patients in the first year.

Unfortunately, this number is only an estimate, and there are no estimates for the number of caregivers or number of individuals who will apply to cultivate.

In addition to application fees, patients or caregivers who are authorized to cultivate medical marijuana will incur costs to comply with regulations in this rule regarding secure cultivation areas. There are not reliable estimates for what it will cost any particular individual to comply with the regulations as there are many way to comply, and in addition to that, as mentioned above, there are no estimates for the number of patient/caregiver cultivators the department should expect.

The final private cost required by this regulation is the cost of obtaining a certification from a physician for the medical use of marijuana. The department is estimating the cost to patients for such visits based on anecdote and media reports, which indicate visits can cost between \$50 and \$250, with an average of \$150.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

PROPOSED RULE

19 CSR 30-95.040 Medical Marijuana Facilities Generally

PURPOSE: Under Article XIV, Section 1 of the Missouri Constitution, the Department of Health and Senior Services is authorized to regulate and control the operations of Cultivation, Infused Product Manufacturing, Dispensary, Testing, and Transportation facilities, and to grant, refuse, suspend, fine, restrict, or revoke the licenses and certifications for such facilities. This rule explains how this authority will be exercised.

(1) Application Processes. The department will begin accepting applications for licensing and certification of cultivation, infused products manufacturing, dispensary, testing, and transportation facilities on August 3, 2019.

(A) The department will receive applications for facility licenses or certifications electronically through a department-provided, web-based application system. In the event of application system unavailability, the department will arrange to accept applications in an alternative, department-provided format and will notify the public of those arrangements through its website.

(B) For cultivation, manufacturing, dispensary, and testing facilities, the department will publish on its website time periods during which it will accept applications for review. All complete applications received by the department that are submitted during the application time periods will be approved or denied within one hundred fifty (150) days of that application's submission.

1. Any application fees submitted before or during the first application time period and during any subsequent application period are nonrefundable.

2. After the first application time period, any application fees submitted outside of an application time period will not be accepted.

3. If licenses or certifications are available after a time period for accepting applications has passed, the department will determine when to publish on its website a new time period during which it will accept applications and will publish that new time period on its website at least six (6) months prior to the beginning of that time period.

4. Applications will be considered complete if they include all information required for applications by this rule and by 19 CSR 30-95.025(4). The department will notify an applicant if an application is incomplete and will specify in that notification what information is missing. Applicants will be given seven (7) days to provide missing information.

(C) For transportation facilities, all complete applications received by the department that are submitted on or after August 3, 2019, will be approved or denied within one hundred fifty (150) days of that application's submission. Applications will be considered complete if they include all information required for applications by this rule. The department will notify an applicant if an application is incomplete and will specify in that notification what information is missing. Applicants will be given seven (7) days to provide missing information.

(D) The issuance of a facility license or certification does not authorize the facility to begin cultivating, manufacturing, dispensing, testing, or transporting medical marijuana. A facility will be granted final approval to operate upon passing a commencement inspection.

(E) The department will not license or certify a cultivation, dispensary, manufacturing, transportation, or testing facility that is owned by or affiliated with an entity that currently holds a contract with the state of Missouri for any product or service related to the department's medical marijuana program.

(F) Licenses and certification for facilities may be suspended, denied, or revoked.

1. If a facility provides false or misleading information in an application, its application may be denied or, if the information is later discovered to have been false or misleading, its license or certification may be revoked. Plans, assurances, and projections offered in answers to 19 CSR 30-95.025(4) evaluation criteria questions may be considered false or misleading if, upon application for license renewal, the department determines the facility has not made a reasonable effort to implement or follow-through on those plans, assurances, or projections.

2. If a facility violates any provision in this chapter or fails to comply with a corrective action plan, its license or certification may be suspended or revoked.

3. If an applicant fails to provide a complete application within seven (7) days of being notified that an application is incomplete, the license or certification for which the applicant is applying will be denied.

4. If a facility is granted a license or certification but has not passed a commencement inspection within one (1) year of the department issuing the license or certification, the license or certification may be revoked.

5. If a facility fails to comply with a department order to immediately suspend all or a part of its operations, the license or certification shall be revoked.

6. If an application does not meet the minimum standards for licenses and certifications pursuant to 19 CSR 30-95.025(4), the license or certification for which the applicant is applying will be denied.

7. If a facility uses combustible gases or other dangerous materials to extract resins from marijuana without a manufacturing facility license, the facility's license may be suspended for up to one (1) year.

8. If a facility packages medical marijuana in a false or misleading manner, or in any manner designed to cause confusion between a marijuana product and any product not containing marijuana, the facility's license may be suspended or revoked.

9. If a facility or a facility employee fails to comply with seed-to-sale tracking requirements or intentionally misuses or falsifies seed-to-sale tracking data, the facility's license may be revoked.

(G) Cultivation, infused product manufacturing, and dispensary licenses and testing and transportation certifications are valid for three (3) years from the date the license or certification is issued and shall, except for good cause, be renewable by submitting, prior to expiration by at least one hundred fifty (150) days but no sooner than two hundred fifty (250) days, an updated application, which shall include any information required by section (2) of this rule or section (4) of 19 CSR 30-95.025 that has changed since the date of the previous application.

(H) The department shall charge an application or renewal fee for a facility license or certification and also an annual fee once a license or certification is granted. The first annual fee will be due thirty (30) days after a license or certification is issued and shall be due annually on that same date as long as the facility's license or certification remains valid. The department shall publish the current fees, including any adjustments, on its website. The amount of fees due for each facility will be the amount that is effective as of that facility's due date.

(2) Application Requirements. Facilities must obtain a license or certification to cultivate, manufacture, dispense, test, and transport medical marijuana in Missouri. All applications for facility licenses or certifications and for renewals of licenses or certifications shall include at least the following information:

(A) Name and address of the primary contact for the applicant facility;

(B) Legal name of the facility, including fictitious business names,

and a certificate of good standing from the Missouri Office of the Secretary of State;

(C) A completed Ownership Structure Form, included herein, which must show the applicant entity is majority owned by Missouri residents, and a written description or visual representation of the facility's ownership structure including all entities listed on the Ownership Structure Form;

(D) For each owner claiming Missouri residency for purposes of subsection (C) of this section, a statement that the owner has resided in Missouri for at least one (1) year and does not claim resident privileges in another state or country, as well as proof of current Missouri residency, which shall be shown by—

1. A copy of a valid Missouri driver's license, a Missouri Identification Card, a current Missouri motor vehicle registration, or a recent Missouri utility bill; or

2. If none of these proofs are available, some other evidence of residence in Missouri, which shall be approved or denied at the discretion of the director of the medical marijuana program as sufficient proof of residency;

(E) A list of all facilities licensed or certified or applying for licensure or certification in Missouri to cultivate, manufacture, dispense, or test medical marijuana that are or will be under substantially common control, ownership, or management as the applicant. For each facility listed, a written explanation of how the facility is under substantially common control, ownership, or management as the applicant, with supporting documentation;

(F) Proposed address of the facility and—

1. A map of the surrounding area that shows compliance with the facility location requirements of subsection (4)(B) of this rule or 19 CSR 30-95.100(2)(C); or

2. Documentation showing a local government requirement different than the requirement in subsection (4)(B) of this rule or 19 CSR 30-95.100(2)(C) and a map of the surrounding area that shows compliance with the facility location requirements of the local government; and

3. An attestation that the proposed address of the facility complies with the facility location requirements of subsection (4)(B) of this rule or 19 CSR 30-95.100(2)(C);

(G) Descriptions, schematics, or blueprints for the facility;

(H) If the city, town, or county in which the facility will be located has enacted zoning restrictions applicable to the facility, the text of the restrictions and a description of how the facility plans to comply with those restrictions;

(I) An attestation that no individual who owns the facility, in whole or in part, has a disqualifying felony offense;

(J) A statement confirming that all owners who hold any portion of the economic or voting interest of the facility who will also have access to medical marijuana or the medical marijuana facility, and all officers, directors, board members, managers, and employees identified in the application, have submitted fingerprints within the previous six (6) months for a state and federal fingerprint-based criminal background check to be conducted by the Missouri State Highway Patrol;

(K) All facility evaluation information required by 19 CSR 30-95.025(4); and

(L) All applicable fees or proof that all applicable fees have already been paid.

(3) Facility Ownership and Employment.

(A) Cultivation, infused products manufacturing, dispensary, testing, and transportation facilities shall not be owned by, in whole or in part, or have as an officer, director, board member, manager, or employee, any individual with a disqualifying felony offense.

(B) Cultivation, infused products manufacturing, dispensary, testing, and transportation facilities shall be held by entities that are majority owned by natural persons who have been citizens of the state of Missouri for at least one (1) year prior to applying for a facility license or certification. For the purposes of this requirement, citizen

means resident.

(C) No more than three (3) cultivation, no more than three (3) manufacturing, and no more than five (5) dispensary licenses shall be issued to any entity under substantially common control, ownership, or management. Any entity under substantially common control, ownership, or management that has applied for more than three (3) cultivation, three (3) manufacturing, or five (5) dispensary licenses shall contact the department at the time of application submission to identify for the department the applications associated with that entity. The department will use this information, once application scoring is complete pursuant to 19 CSR 30-95.025(4), solely for determining how many licenses the department may issue any particular entity.

(D) No testing facility shall be owned by an entity under substantially common control, ownership, or management as a cultivation, manufacturing, or dispensary facility.

(E) Facility Agent Identification Cards. Each owner, officer, manager, contractor, employee, and other support staff of a licensed or certified cultivation, dispensary, manufacturing, testing, or transportation facility shall obtain an agent identification card, which shall be assigned and display a unique, identifying number. For all such individuals associated with an entity at the time it is licensed or certified, any work they are performing for that entity may continue, but application for an agent identification card must be made within thirty (30) days of a license or certification being granted. For all other such individuals, applications for agent identification cards will be accepted only after an individual receives an offer of employment from a licensed or certified facility, and for those individuals, agent identification cards must be granted before they may begin employment with a licensed or certified entity.

1. All applications for agent identification cards and renewals of agent identification cards shall include at least the following information in a department-approved format:

A. Name, address, and Social Security number of the applicant;

B. A statement confirming that the applicant has submitted fingerprints within the previous six (6) months for a state and federal fingerprint-based criminal background check to be conducted by the Missouri State Highway Patrol;

C. A copy of a written offer of employment from a licensed or certified facility; and

D. All applicable fees.

2. Agent identification cards shall be valid for three (3) years.

3. If arrested for a disqualifying felony offense, agent identification card holders must notify the department within thirty (30) days of the arrest.

4. For purposes of this section, a contractor is a person or company that undertakes a contract with a licensed or certified facility to perform work that would include access to medical marijuana or related equipment or supplies for a time period greater than fourteen (14) days.

5. For purposes of this section, an owner is a person who holds any portion of the economic or voting interests of a facility and who will have access to medical marijuana or a medical marijuana facility.

6. Agent identification card holders must have their cards accessible to them at all times while performing work in or on behalf of a facility.

7. The department shall charge a fee for identification cards, which shall be seventy-five dollars (\$75), due at the time of application or renewal.

(4) Facility Operation, Policies, and Procedures.

(A) Each cultivation, infused product manufacturing, or dispensary facility in operation must obtain a separate license, but multiple licenses may be utilized in a single facility. All licenses shall be displayed at all times within twenty feet (20') of the main entrance to a facility.

(B) Unless expressly allowed by the local government, no new cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for license or for local zoning approval, whichever is earlier, within one thousand feet (1,000') of any then-existing elementary or secondary school, daycare, or church.

1. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.

2. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.

3. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

(C) All licensed or certified cultivation, dispensary, manufacturing, testing, and transportation facilities must seek and obtain the department's approval before they may—

1. Assign, sell, give, lease, sublicense, or otherwise transfer its license to any other entity.

A. If the entity to which the license or certification will be transferred is owned by the same entities as was the entity to which the department originally issued the license or certification, the request may be submitted after the facility at issue has been granted a license and must include at least the following:

(I) Legal name of the facility, including fictitious business names, and a certificate of good standing from the Missouri Office of the Secretary of State; and

(II) A completed Ownership Structure Form, included herein, which must show the applicant entity is owned by the same entities as was the entity to which the department originally issued the license or certification;

B. If the entity to which the license or certification will be transferred is not owned by the same entities as was the entity to which the department originally issued the license or certification, the request may be submitted beginning January 1, 2021, and shall include at least the same information required for an initial application for license or certification;

2. Make any changes to ten percent (10%) or more of the ownership interests of the facility. Such requests may be submitted after the facilities at issue have been granted a license and must include at least the following:

A. Name of each new owner, if any;

B. An updated Ownership Structure Form, included herein, which must show the applicant entity is majority owned by Missouri residents, and a written description or visual representation of the facility's ownership structure including all entities listed on the Ownership Structure Form;

C. For each owner claiming Missouri residency for purposes of subparagraph B of this paragraph, a statement that the owner has resided in Missouri for at least one (1) year and does not claim resident privileges in another state or country, as well as proof of current Missouri residency, which shall be shown by—

(I) A copy of a valid Missouri driver's license, a Missouri Identification Card, a current Missouri motor vehicle registration, or a recent Missouri utility bill; or

(II) If none of these proofs are available, some other evidence of residence in Missouri, which shall be approved or denied at

the discretion of the director of the medical marijuana program as sufficient proof of residency;

D. A list of all facilities licensed or certified or applying for licensure or certification in Missouri to cultivate, manufacture, dispense, or test medical marijuana that are or will be under substantially common control, ownership, or management as the applicant. For each facility listed, an explanation of how the facility is under substantially common control, ownership, or management as the applicant, with supporting documentation;

E. An attestation that no individual who owns the facility, in whole or in part, has a disqualifying felony offense; and

F. A statement confirming that all owners who hold any portion of the economic or voting interest of a facility who will also have access to medical marijuana or a medical marijuana facility, and all officers, directors, board members, managers, and employees identified in the application have submitted fingerprints within the previous six (6) months for a state and federal fingerprint-based criminal background check to be conducted by the Missouri State Highway Patrol;

3. Materially deviate from the proposed physical design or make material changes to the current physical design of the facility, including its location. Such requests may be submitted after the facilities at issue have been granted a license and shall include at least the following:

A. New or updated descriptions, schematics, or blueprints for the facility;

B. An attestation that the proposed changes to the facility comply with the facility location requirements of subsection (4)(B) of this rule or 19 CSR 30-95.100(2)(C) and any facility location requirements of the local government;

C. If the city, town, or county in which the facility will be located has enacted zoning restrictions applicable to the facility, the text of the restrictions and a description of how the changes to the facility comply with those restrictions; and

D. For location change requests, an explanation for why the facility's original location is no longer possible and proof that claims made in the facility's initial licensure application regarding benefits of its original location also apply to the facility's newly proposed location;

4. Combine licensed facilities at a single location. Such requests may be submitted after the facilities at issue have been granted a license and shall include at least the following:

A. Descriptions, schematics, or blueprints for the combined facilities;

B. An attestation that the proposed combination of facilities complies with the facility location requirements of subsection (4)(B) of this rule or 19 CSR 30-95.100(2)(C) and any location requirements of the local government;

C. If the city, town, or county in which the combined facilities will be located has enacted zoning restrictions applicable to the combined facilities, the text of the restrictions and a description of how the combined facilities will comply with those restrictions; and

D. If the combination of facilities is between two (2) or more entities with different ownership, documents showing the agreements between the entities concerning their respective roles and their relationship in regard to management, operation, and maintenance of the combined facility. Such agreements shall include an acknowledgment that all entities sharing management, operations, or maintenance of the combined facility shall be jointly responsible for compliance with the applicable department regulations for the shared spaces of the combined facility; or

5. Begin construction on a warehouse sited at a location other than the approved location of the facility. Such requests may be submitted after the facility at issue has been granted a license and shall include at least the following:

A. Descriptions, schematics, or blueprints for the warehouse;

B. An attestation that the proposed location for the warehouse complies with the facility location requirements of subsection (4)(B)

of this rule or 19 CSR 30-95.100(2)(C) and any location requirements of the local government that would apply to the facility for which the warehouse is being constructed;

C. If the city, town, or county in which the warehouse will be located has enacted zoning restrictions applicable to the facility for which the warehouse is being constructed, the text of the restrictions and a description of how the warehouse will comply with those restrictions; and

D. An attestation that the warehouse will comply with all other rules applicable to the facility for which the warehouse is being constructed.

(D) All marijuana for medical use, including plants, flowers, and infused products, sold in Missouri shall be cultivated in a licensed cultivation facility located in Missouri. After December 31, 2020, marijuana for medical use shall be grown from seeds or plants obtained from a Missouri licensed cultivation or dispensary facility.

(E) Any excess or unusable medical marijuana or medical marijuana byproduct of a cultivation, manufacturing, dispensary, testing, or transportation facility shall be disposed of in the following manner, as applicable:

1. Solid and liquid wastes generated during medical marijuana production and processing must be stored, managed, and disposed of in accordance with applicable state, tribal, local, and municipal laws and regulations. Facilities must keep records of the final disposal destinations of all such wastes for at least five (5) years;

2. Wastewater generated during medical marijuana production and processing must be disposed of in compliance with applicable state, tribal, local, and municipal laws and regulations;

3. Wastes from the production and processing of medical marijuana plants must be evaluated against state hazardous waste regulations to determine if those wastes qualify as hazardous waste. It is the responsibility of each waste generator to properly evaluate their waste to determine if it is a hazardous waste per 40 CFR 262.11. If a generator's waste does qualify as a hazardous waste, then that waste is subject to the applicable hazardous waste management standards.

A. All solid waste, as defined by 40 CFR 261.2, must be evaluated under the hazardous waste regulations, including:

(I) Waste from medical marijuana flowers, trim, and solid plant material used to create an extract;

(II) Waste solvents, pesticides, and other similar materials used in the cultivation, manufacturing, or testing process;

(III) Discarded plant waste, spent solvents, and laboratory wastes from any medical marijuana processing or quality assurance testing; and

(IV) Medical marijuana extract that fails to meet quality testing.

B. Medical marijuana flowers, trim, and solid plant material are not in themselves considered hazardous waste unless they have been treated or contaminated with a hazardous waste constituent;

4. Medical marijuana waste that does not qualify as hazardous waste per 40 CFR 262.11 must be rendered unusable prior to leaving a facility, including plant waste, such as roots, stalks, leaves, and stems;

5. Medical marijuana plant waste that does not qualify as hazardous may be rendered unusable by grinding and incorporating the medical marijuana plant waste with other nonhazardous ground materials so the resulting mixture is at least fifty percent (50%) non-marijuana waste by volume. Material used to grind with the medical marijuana may be either compostable waste or noncompostable waste. Other methods to render medical marijuana waste unusable must be approved by the department before implementation.

A. Compostable mixed waste: Medical marijuana waste to be disposed as compost feedstock or in another organic waste method (for example, anaerobic digester) may be mixed with the following types of waste materials:

- (I) Food waste;
- (II) Yard waste; or
- (III) Vegetable based grease or oils.

B. Noncompostable mixed waste: Medical marijuana waste to be disposed in a landfill or another disposal method (for example, incinerator) may be mixed with the following types of waste materials:

- (I) Paper waste;
- (II) Cardboard waste;
- (III) Plastic waste; or
- (IV) Soil;

6. Medical marijuana waste that has been rendered unusable may be delivered to a permitted solid waste facility for final disposition. Examples of acceptable permitted solid waste facilities include:

A. For compostable mixed waste: Compost, anaerobic digester, or other facility with approval of the local health department; and

B. For noncompostable mixed waste: Landfill, incinerator, or other facility with approval of the local health department; or

7. All facility waste of any type must be stored securely before final disposition, which can be done within the facility in areas designated for disposal activities or, if necessary, outside the facility in a locked, tamper-resistant receptacle.

(F) All cultivation, manufacturing, dispensary, testing, and transportation facilities must establish and follow procedures to ensure medical marijuana remains free from contaminants. The procedures must address, at a minimum:

1. The flow through a facility of any equipment or supplies that will come in contact with medical marijuana including receipt and storage;

2. Employee health and sanitation;

3. Environmental factors, such as:

A. Floors, walls, and ceilings made of smooth, hard surfaces that are easily cleaned;

B. Temperature and humidity controls;

C. A system for monitoring environmental conditions;

D. A system for cleaning and sanitizing rooms and equipment;

E. A system for maintaining any equipment used to control sanitary conditions; and

F. For cultivation and manufacturing facilities, an air supply filtered through high-efficiency particulate air filters under positive pressure.

(G) All cultivation, infused products manufacturing, dispensary, testing, and transportation facilities shall implement inventory control systems and procedures as follows:

1. Each facility shall designate in writing a facility agent who is generally responsible for the inventory control systems and procedures for that facility;

2. All weighing and measuring of medical marijuana required by this rule must be conducted with a National Type Evaluation Program approved scale, which shall be capable of weighing and measuring accurately at all times and recalibrated at least yearly;

3. Each facility shall use a department-certified seed-to-sale tracking system to track medical marijuana from seed or immature plant stage until the medical marijuana is purchased by a qualifying patient or primary caregiver or destroyed. Records entered into the seed-to-sale tracking system must include each day's beginning inventory, harvests, acquisitions, sales, disbursements, remediations, disposals, transfers, ending inventory, and any other data necessary for inventory control records in the statewide track and trace system;

4. Each infused product manufacturing facility shall—

A. Establish and maintain a perpetual inventory system that documents the flow of materials through the manufacturing process;

B. Establish procedures to reconcile the raw material used to the finished product on the basis of each process lot. Significant variances must be documented, investigated by management personnel, and reported to the department and to the facility that ordered the infused product within twenty-four (24) hours of discovering the variances; and

C. Provide for quarterly physical inventory counts to be performed by facility employees who do not participate in the manufacturing process, which shall be reconciled to the perpetual inventory records. Significant variances must be documented, investigated by management personnel, and reported to the department within twenty-four (24) hours of discovering the variances;

5. Each dispensary facility shall be responsible for ensuring that every amount of medical marijuana sold or disbursed to a qualifying patient or primary caregiver is recorded in the seed-to-sale tracking system as a purchase by or on behalf of the applicable qualifying patient. Amounts of medical marijuana shall be recorded—

A. For dried, unprocessed marijuana, in ounces or grams;

B. For concentrates, in grams; or

C. For infused products, by milligrams of THC;

6. If a facility identifies a reduction in the amount of medical marijuana in the inventory of the facility, the facility must document where in the facility's processes the loss has occurred, if possible, and take and document corrective action. If the reduction in the amount of medical marijuana in the inventory of the facility is due to suspected criminal activity by a facility agent, the facility shall report the facility agent to the department and to the appropriate law enforcement agencies within twenty-four (24) hours of discovering the suspected criminal activity;

7. A medical marijuana facility shall maintain all records required by this subsection for at least five (5) years; and

8. In case of seed-to-sale system failure or loss of connection to the statewide track and trace system, the facility may continue performing for up to five (5) hours all actions that are required to be tracked, except sales of medical marijuana or transfers of medical marijuana from the facility, as long as the facility records all necessary tracking information and enters that information into its seed-to-sale tracking system upon restoration of the system or into the statewide track and trace system upon restoration of the connection.

(H) All cultivation, infused products manufacturing, and dispensary facilities shall ensure the security of medical marijuana and facility employees by taking at least the following measures:

1. Facilities shall install and maintain security equipment designed to prevent unauthorized entrance into limited access areas and to prevent diversion and inversion of medical marijuana including:

A. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular or private radio signals, or other mechanical or electronic devices;

B. Except in the case of outdoor cultivation, exterior lighting to facilitate surveillance, which shall cover the exterior and perimeter of the facility;

C. Electronic video monitoring, including—

(I) At least one (1) call-up monitor that is nineteen inches (19") or more;

(II) A printer capable of immediately producing a clear still photo from any video camera image;

(III) Video cameras with a recording resolution of at least 1920 x 1080, or the equivalent, at a rate of at least fifteen (15) frames per second, that operate in such a way as to allow identification of people and activities in the monitored space, in all lighting levels, that are capable of being accessed remotely by the department or a law enforcement agency in real-time upon request, and that provide coverage of—

(a) All entrances and exits of the facility, including windows, and all entrances and exits from limited access areas;

(b) The perimeter and exterior areas of the facility, including at least twenty feet (20') of space around the perimeter of an outdoor grow area;

(c) Each point-of-sale location;

(d) All vaults or safes; and

(e) All medical marijuana, from at least two (2) angles, where it is cultivated, cured, trimmed, processed, rendered unus-

able, and disposed;

(IV) A method for storing recordings from the video cameras for at sixty (60) days in a secure on-site or off-site location or through a service or network that provides on-demand access to the recordings and that allows for providing copies of the recordings to the department upon request and at the expense of the facility;

(V) A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and

(VI) Sufficient battery backup for video cameras and recording equipment to support at least sixty (60) minutes of recording in the event of a power outage;

D. Controlled entry to limited access areas, which shall be controlled by electronic card access systems, biometric identification systems, or other equivalent means, except that, in addition to these means, all external access doors shall be equipped with a locking mechanism that may be used in case of power failure. Access information shall be recorded, and all records of entry shall be maintained for at least one (1) year;

E. A method of immediate, automatic notification to alert local law enforcement agencies of an unauthorized breach of security at the facility; and

F. Manual, silent alarms at each point-of-sale, reception area, vault, and electronic monitoring station with capability of alerting local law enforcement agencies immediately of an unauthorized breach of security at the facility;

2. Facilities shall establish policies and procedures—

A. For restricting access to the areas of the facility that contain medical marijuana to only persons authorized to be in those areas, which shall include, when necessary for business purposes, contractors hired for no more than fourteen (14) days and other visitors, all of which may enter the restricted area if they sign in and sign out of a visitor log and are escorted at all times by facility agents in a ratio of no less than one (1) facility agent per five (5) visitors;

B. For identifying persons authorized to be in the areas of the facility that contain medical marijuana;

C. For identifying facility agents responsible for inventory control activities;

D. For limiting the amount of money available in any retail areas of the facility and for notifying the public that there is a minimal amount of money available, including by posting of a sign;

E. For electronic monitoring;

F. For the use of the automatic or electronic notification and manual, silent alarms to alert local law enforcement agencies of an unauthorized breach of security at the facility, including designation of on-call facility personnel to respond to, and to be available to law enforcement personnel who respond to, any alarms; and

G. For keeping local law enforcement updated on whether the facility employs armed security personnel and how law enforcement can identify such personnel on sight;

3. Facilities with outdoor cultivation shall construct an exterior barrier around the perimeter of the marijuana cultivation area that consists of a fence that is—

A. Constructed of six (6) gauge metal or stronger chain link;

B. Topped with razor wire or similar security wire;

C. At least eight feet (8') in height; and

D. Screened such that the cultivation area is not easily viewed from outside the fence;

4. Facilities with windows in a limited access area must ensure either that the window cannot be opened and is designed to prevent intrusion or that the window is otherwise inaccessible from the outside;

5. Facilities shall ensure that each video camera used pursuant to this section—

A. Includes a date and time generator which possesses the capability to accurately display the date and time of recorded events on the recording in a manner that does not significantly obstruct the recorded view; and

B. Is installed in a manner that will prevent the video camera from being readily obstructed, tampered with, or disabled;

6. A facility shall make a reasonable effort to repair any malfunction of security equipment within seventy-two (72) hours after the malfunction is discovered. A facility shall notify the department within twenty-four (24) hours after a malfunction is discovered and provide a plan of correction.

A. If a video camera used pursuant this section malfunctions, the facility shall immediately provide alternative video camera coverage or use other security measures until video camera coverage can be restored, such as assigning additional supervisory or security personnel, to provide for the security of the facility. If the facility uses other security measures, the facility must immediately notify the department, and the department will determine whether the other security measures are adequate and for what amount of time those other security measures will be acceptable.

B. Each facility shall maintain a log that documents each malfunction and repair of the security equipment of the facility. The log must state the date, time, and nature of each malfunction; the efforts taken to repair the malfunction and the date of each effort; the reason for any delay in repairing the malfunction; the date the malfunction is repaired and; if applicable, any alternative security measures that were taken. The log must also list, by date and time, all communications with the department concerning each malfunction and corrective action. The facility shall maintain the log for at least one (1) year after the date of last entry in the log;

7. Each facility shall employ a security manager who shall be responsible for:

A. Conducting a semiannual audit of security measures to ensure compliance with this subsection and to identify potential security issues;

B. Training employees on security measures, emergency response, and theft prevention and response within one (1) week of hiring and on an annual basis;

C. Evaluating the credentials of any contractors who intend to provide services to the facility before the contractor is hired by or enters into a contract with the facility; and

D. Evaluating the credentials of any third party who intends to provide security to the facility before the third party is hired by or enters into a contract with the facility; and

8. Each facility shall ensure that the security manager of the facility, any facility agents who provide security for the facility, and the employees of any third party who provides security to the facility have completed the following training:

A. Training in theft prevention or a related subject;

B. Training in emergency response or a related subject;

C. Training in the appropriate use of force or a related subject that covers when the use of force is and is not necessary;

D. Training in the protection of a crime scene or a related subject;

E. Training in the control of access to protected areas of a facility or a related subject;

F. Not less than eight (8) hours of training at the facility in providing security services; and

G. Not less than eight (8) hours of classroom training in providing security services.

(I) The department may issue public notice of a medical marijuana recall if, in its judgment, any particular medical marijuana presents a threat to the health and safety of qualifying patients. All facilities are responsible for complying with recall notices. Recalled items must be immediately pulled from production or inventory and held until such time as the department determines the item is safe, may be remediated, or must be destroyed.

(J) Medical marijuana that fails testing or is subject to a recall must either be destroyed by any facility in possession of that medical marijuana or, at the election of the facility from which the failed test or recalled item originated, and with approval of the department, may be remediated, if possible.

1. Remediated medical marijuana must pass all testing required by 19 CSR 30-95.070;

2. Facilities may only elect to remediate any particular medical marijuana once.

(K) All cultivation, infused products manufacturing, and dispensary facilities shall ensure that all medical marijuana is packaged and labeled in a manner consistent with the following:

1. Facilities shall not manufacture, package, or label marijuana—

A. In a false or misleading manner;

B. In any manner designed to cause confusion between a marijuana product and any product not containing marijuana; or

C. In any manner designed to appeal to a minor;

2. Marijuana and marijuana-infused products shall be sold in containers clearly and conspicuously labeled, in a font size at least as large as the largest other font size used on the package, with:

A. “Marijuana” or a “Marijuana-infused Product”; and

B. “Warning: Cognitive and physical impairment may result from the use of Marijuana”;

3. Any marijuana or marijuana-infused products packaged for retail sale before delivery to a dispensary must be packaged in opaque, re-sealable packaging designed or constructed to be significantly difficult for children under five (5) years of age to open but not normally difficult for adults to use properly. Any marijuana or marijuana-infused products not packaged for retail sale before delivery to a dispensary must be packaged by the dispensary upon sale to a qualifying patient or primary caregiver in opaque, re-sealable packaging designed or constructed to be significantly difficult for children under five (5) years of age to open but not normally difficult for adults to use properly. All edible marijuana-infused products must be packaged for retail by the infused-products manufacturer before transfer to a dispensary;

4. Marijuana and marijuana-infused products shall bear a label displaying the following information, in the following order:

A. The total weight of the marijuana included in the package:

(I) For dried, unprocessed marijuana, weight shall be listed in ounces or grams;

(II) For concentrates, weight shall be listed in grams; or

(III) For infused products, weight shall be listed by milligrams of THC;

B. Dosage amounts, instructions for use, and estimated length of time the dosage will have an effect;

C. The THC, tetrahydrocannabinol acid, cannabidiol, cannabidiol acid, and cannabinol concentration per dosage;

D. All active and inactive ingredients, which shall not include groupings of ingredients that obscure the actual ingredients, such as “proprietary blend” or “spices”;

E. In the case of dried, unprocessed marijuana, the name, as recorded with the Missouri Office of the Secretary of State, of the cultivating facility from which the marijuana in the package originated and, in the case of infused products, the name of the infused-product manufacturer, as recorded with the Missouri Office of the Secretary of State; and

F. A “best if used by” date;

5. No branding, artwork, or other information or design elements included on marijuana or marijuana-infused products shall be placed in such a way as to obscure any of the information required by this section;

6. Marijuana and marijuana-infused product packaging shall not include claims of health benefits but may include health warnings; and

7. Marijuana and marijuana-infused products must, at all times, be tagged with traceability information generated by the statewide track and trace system.

(L) Cultivation, manufacturing, dispensary, and testing facilities that transport medical marijuana must also comply with 19 CSR 30-95.100(2)(D) in doing so.

(M) Signage and advertising on facility premises must comply

with the following:

1. A facility may not display marijuana, marijuana paraphernalia, or advertisements for these items in a way that is visible to the general public from a public right-of-way; and

2. Outdoor signage and, if visible to the public, interior signage, must comply with any local ordinances for signs or advertising and—

A. May not display any text other than the facility's business name or trade name, address, phone number, and website; and

B. May not utilize images or visual representations of marijuana plants, products, or paraphernalia, including representations that indicate the presence of these items, such as smoke.

(5) Facility Inspections.

(A) Submission of an application for a facility license or certification constitutes consent to inspection by the department. A department inspector conducting an inspection pursuant to this section need not give prior notice of the inspection and, during the inspection, must be given access to all areas and property of the facility, including vehicles, wherever located, without delay.

1. The department will enter and inspect at least annually, with or without notice, to ensure compliance with this chapter.

2. The department may also, at any time it determines an inspection is needed, conduct an inspection, including an inspection of any part of the premises, qualifications of personnel, methods of operation, records, and policies and procedures of a licensed or certified facility.

(B) Once a licensed or certified facility believes it will, within a month, be ready to begin operations and meet all state and local requirements for its facility, it shall request that the department conduct a commencement inspection to confirm the facility is in compliance with all requirements of this chapter.

(C) Violations, Compliance Verification Inspections, and Suspension.

1. If the department determines, during an inspection or otherwise, that a facility is not in compliance with the department's regulations, the department will issue an Initial Notice of Violation to the facility that explains how the facility has violated the department's regulations and what remedial actions the department expects the facility to take to correct the violation(s).

2. Once a facility has been notified of violation(s), the facility shall correct the violations within fifteen (15) days, and the department will conduct a follow-up inspection within fifteen (15) to thirty (30) days to confirm the facility has corrected the violation(s). The facility shall notify the department if it believes it needs additional time to correct the violation(s), which the department may grant for good cause.

3. If the department's follow-up inspection reveals the violation(s) have not been corrected, the department will issue a Final Notice of Violation to the facility explaining how the facility continues to violate the department's regulations, what remedial actions the department expects the facility to take, and notifying the facility that its license or certifications will be suspended if the specified remedial action is not taken and the violation(s) corrected within thirty (30) days.

4. If the violation(s) have not been corrected thirty (30) days after a Final Notice of Violation and no extension of this deadline has been granted by the department, the facility's license or certification will be suspended, the facility will be required to cease operations, and the facility must sign a corrective action plan designed to bring the facility into compliance.

(D) Upon receipt of complaint against a facility, the department will determine whether an inspection is warranted to investigate the allegations in the complaint, and, if so, the department will, at the time of inspection, provide the facility with a copy of the complaint and an opportunity to respond to the complaint. Employees of a facility who report potential violations by a facility to the department may not be subjected to retaliation of any kind, including termination, because of their report.

(E) If, at any time, the department determines a facility presents an immediate and serious threat to the health and safety of the public or of the facility's employees, the department may order the facility to immediately suspend all or a part of its operations until the threat has been eliminated.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
SECTION FOR MEDICAL MARIJUANA REGULATION
MEDICAL MARIJUANA REGULATORY PROGRAM
OWNERSHIP STRUCTURE FORM

OWNER INFORMATION – Pursuant to 19 CSR 30-95.040, all entities that own any portion of the economic or voting interests of the applicant facility must be listed on this form. Natural persons whose ownership interest contributes to the facility's claim that it is majority owned by Missouri residents must be listed on this form in their individual capacity and must include a residence address in the "Address" field as well as the name of the business entity in which he or she holds an economic or voting interest. Refer to 19 CSR 30-95.010 for applicable definitions. Use additional sheets as necessary.

BUSINESS ENTITY NAME AND TAX NUMBER		% ECONOMIC INTEREST	% VOTING INTEREST
LAST NAME	FIRST NAME		MIDDLE INITIAL
SOCIAL SECURITY NUMBER		DATE OF BIRTH (MM-DD-YYYY)	
ADDRESS			UNIT/APT NO
CITY	STATE	COUNTY	ZIP CODE
PHONE NUMBER	EMAIL ADDRESS		
NATURAL PERSON CLAIMING RESIDENCY FOR PURPOSES OF MAJORITY OWNERSHIP CALCULATION? <input type="checkbox"/> YES <input type="checkbox"/> NO			

BUSINESS ENTITY NAME AND TAX NUMBER		% ECONOMIC INTEREST	% VOTING INTEREST
LAST NAME	FIRST NAME		MIDDLE INITIAL
SOCIAL SECURITY NUMBER		DATE OF BIRTH (MM-DD-YYYY)	
ADDRESS			UNIT/APT NO
CITY	STATE	COUNTY	ZIP CODE
PHONE NUMBER	EMAIL ADDRESS		
NATURAL PERSON CLAIMING RESIDENCY FOR PURPOSES OF MAJORITY OWNERSHIP CALCULATION? <input type="checkbox"/> YES <input type="checkbox"/> NO			

BUSINESS ENTITY NAME AND TAX NUMBER		% ECONOMIC INTEREST	% VOTING INTEREST
LAST NAME	FIRST NAME		MIDDLE INITIAL
SOCIAL SECURITY NUMBER		DATE OF BIRTH (MM-DD-YYYY)	
ADDRESS			UNIT/APT NO
CITY	STATE	COUNTY	ZIP CODE
PHONE NUMBER	EMAIL ADDRESS		
NATURAL PERSON CLAIMING RESIDENCY FOR PURPOSES OF MAJORITY OWNERSHIP CALCULATION? <input type="checkbox"/> YES <input type="checkbox"/> NO			

AUTHORITY: Sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. Original rule filed May 24, 2019.

PUBLIC COST: This proposed rule has an estimated cost to state agencies or political subdivisions of \$1,895,829 in the aggregate.

PRIVATE COST: This proposed rule has an estimated cost to private entities of at least \$176,318,000 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Lyndall Fraker, PO Box 570, Jefferson City, MO 65102 or via email at MMPublicComment@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: Medical Marijuana**

Rule Number and Title:	19 CSR 30-95.040 Medical Marijuana Facilities Generally
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health & Senior Services' costs =	\$1,895,829 for the first three year period and \$477,187 for annually thereafter
Total =	\$1,895,829 for the first three year period and \$477,187 for annually thereafter

III. WORKSHEET

Facility Licensing & Compliance Director

Three quarters (3/4) of one (1) FTE with an annual salary of \$56,250 and with estimated fringe benefits of \$26,598.

Three quarters (3/4) of One-Time First Year expense (computer, office, furniture etc.) for one FTE listed above - \$3,496.

On-going expenses (including travel, office supplies, network, printing, etc.) for one FTE - \$9,959.

$\$56,250 \text{ (salary)} + \$26,598 \text{ (fringe benefits)} + \$9,959 \text{ (on-going expenses)} \times \text{three (3)} = \$278,421 - \$3,496 \text{ (one-time first year expense)} = \$281,917 \text{ for the first three year period.}$

$\$56,250 \text{ (salary)} + \$26,598 \text{ (fringe benefits)} + \$9,959 \text{ (on-going expenses)} = \$92,807 \text{ annually thereafter.}$

Facility Licensing Managers

Half (1/2) of one (1) FTE with an annual salary of \$30,000 and with estimated fringe benefits of \$15,447.

One-Time First Year expense (computer, office, furniture etc.) for half (1/2) of one (1) FTE listed above - \$2,331

On-going expenses (including travel, office supplies, network, printing, etc.) for half (1/2) of one (1) FTE - \$6,639

$\$30,000$ (salary) + $\$15,447$ (fringe benefits) + $\$6,639$ (on-going expenses) X three (3) = $\$156,258$ + $\$2,331$ (one-time first year expense) = $\$158,589$ for the first three year period.

$\$30,000$ (salary) + $\$15,447$ (fringe benefits) + $\$6,639$ (on-going expenses) = $\$52,086$ annually thereafter.

Facility Licensing Specialists

Two (2) FTE's with total annual salaries of $\$104,000$ and with estimated fringe benefits of $\$56,913$.

One-Time First Year expense (computer, office, furniture etc.) for two (2) FTEs listed above - $\$9,322$

On-going expenses (including travel, office supplies, network, printing, etc.) for two (2) FTEs - $\$28,273$

$\$104,000$ (salary) + $\$56,913$ (fringe benefits) + $\$28,273$ (on-going expenses) X three (3) = $\$567,558$ + $\$9,322$ (one-time first year expense) = $\$576,880$ for the first three year period.

$\$104,000$ (salary) + $\$56,913$ (fringe benefits) + $\$28,273$ (on-going expenses) = $\$189,186$ annually thereafter.

Administrative Office Support Assistant

Two (2) FTE's with total annual salaries of $\$70,000$ with estimated fringe benefits of $\$46,554$.

One-Time First Year expense (computer, office, furniture etc.) for two FTEs listed above - $\$15,938$

On-going expenses (including travel, office supplies, network, printing, etc.) for two FTEs - $\$26,554$.

$\$70,000$ (salary) + $\$46,554$ (fringe benefits) + $\$26,554$ (on-going expenses) X three (3) = $\$429,324$ + $\$15,938$ (one-time first year expense) = $\$445,262$ for the first three year period.

$\$70,000$ (salary) + $\$46,554$ (fringe benefits) + $\$26,554$ (on-going expenses) = $\$143,108$ annually thereafter.

Facility Licensing System Contract

Estimated contract cost of $\$203,132$ for one year.

Seed-to-Sale System Contract

Estimated contract cost of \$230,049 for one year.

IV. ASSUMPTIONS

In order to process the facility license applications and the applications for various approvals post-licensing described in this rule, the department will need a Facility Licensing Manager, who will also perform other duties not covered by this proposed rule, and two (2) Facility Licensing Specialists.

In order to conduct the inspections and enforcement activities described by this rule, the department will need fourteen (14) Inspectors.

In order to supervise the fourteen (14) Inspectors and to conduct and support escalated or complex compliance/enforcement actions, the department will need four (4) Compliance Managers.

In order to supervise the work of the Facility Licensing Manager; to review and analyze escalated or complex issues; to issue, deny, revoke, and suspend licenses; to supervise the work of the Compliance Managers; and to review and analyze escalated or complex compliance/inspection issues, the department will need a Facility Licensing & Compliance manager, who will also perform other duties not covered by this proposed rule.

In order to administratively support the work of all FTEs required for this rule, the department will need two (2) Administrative Office Support Assistants.

In order to receive, process, and maintain records related to facility applications and licensed/certified facilities, the department will need a Facility Licensing System, which is an IT solution specifically designed for medical marijuana program functions, including integration with the state system for tracking medical marijuana purchases.

In order to facilitate the inventory control provisions of this rule and all facility requirements related to tracking medical marijuana from seed to sale, the department will need a Seed-to-Sale System, which is an IT solution specifically designed for tracking and tracing medical marijuana from immature plants stage to sale by a dispensary to a qualified patient or primary caregiver. The Seed-to-Sale system is necessary to determine whether any given individual may purchase any given amount of medical marijuana. All functions of this system referenced throughout Chapter 95 stem from requirements in this rule.

FISCAL NOTE
PRIVATE COST

- I. Department Title: Department of Health and Senior Services**
Division Title: Division of Regulation and Licensure
Chapter Title: Medical Marijuana

Rule Number and Title:	19 CSR 30-95.040 Medical Marijuana Facilities Generally
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
192	Dispensaries	\$1,152,000 in first year and \$1,920,000 for two additional years in total
60	Cultivators	\$600,000 in first year and \$3,000,000 for two additional years in total
86	Manufacturing	\$516,000 in first year and \$1,720,000 for two additional years in total
10	Testing	\$50,000 in first year and \$100,000 for two additional years in total
unknown	Transportation	unknown
348	Dispensaries, Cultivators, Manufacturing, Testing	\$174,000,000 – \$1,740,000,000 for first year
unknown	Transportation	unknown
Total =		At least \$176,318,000 for the first year and unknown for additional years

III. WORKSHEET**Dispensary Facility**

One hundred ninety-two (192) dispensary facilities x six thousand (6,000) dollars for application fee in year one = 1,152,000.

One hundred nine-two (192) dispensary facilities x ten thousand (10,000) dollars for annual fee in years two and three = $1,920,000 \times 2 = 3,840,000$.

Cultivation Facility

Sixty (60) cultivation facilities x ten thousand (10,000) dollars for application fee in year one = 600,000.

Sixty (60) cultivation facilities x twenty-five thousand (25,000) dollars for annual fee in years two and three = $1,500,000 \times 2 = 3,000,000$.

Manufacturing Facility

Eighty-six (86) manufacturing facilities x six thousand (6,000) dollars for application fee in year one = 516,000.

Eighty-six (86) manufacturing facilities x ten thousand (10,000) dollars for annual fee in years two and three = $860,000 \times 2 = 1,720,000$.

Testing Facility

Ten (10) testing facilities x five thousand (5,000) dollars for application fee and for annual fee in years one, two, and three = 150,000.

Transportation Facility

Unknown number of transportation facilities x five thousand (5,000) dollars for application fee and for annual fee in years one, two, and three = 150,000.

All Facilities

Three hundred forty-eight known facilities x \$500,000 - \$5,000,000 for compliance with all regulations applicable to all facilities in the first year = \$174,000,000 – \$1,740,000,000.

Unknown number of transportation facilities x \$500,000 - \$1,000,000 for compliance with all regulations applicable to transportation facilities in the first year = unknown.

IV. ASSUMPTIONS

Each facility that applies for and receives a business license or certification from the department will incur application fees and annual fees. The department will issue 192 dispensary licenses, 60 cultivation facility licenses, 86 manufacturing facility licenses, and 10 testing facility certifications. It is unknown how many transportation certifications will be issued.

Additionally, every entity that applies for a business license or certification that does not receive one will incur a non-refundable application fee. It is unknown at this time how many of these entities will submit applications.

Finally, each licensed or certificated entity will incur costs to comply with all of the regulations in this rule and all other rules in Chapter 95 related to this one. However, these costs are currently unknown and cannot be reasonably estimated. More specifically, because these rules establish an entirely new regulated industry unrelated to any existing industry in Missouri, the department does not know and cannot estimate what any facility or any type of facility within this industry will need to expend to comply with these regulations. No two facilities will be the same in size or operations, and with no facilities existing yet, the department is unable even to calculate an average of estimated costs. For example, an indoor cultivation facility may be built to cultivate a very small amount of marijuana or up to thirty thousand square feet of flowering marijuana canopy space, which are two vastly different operations. Taking the security camera requirement alone, the facility may require several cameras or several hundred cameras, and at this time, the department is unable even to estimate an average size of facility for Missouri as there is no reliable data on which to base such an estimate.

For purposes of this rule, which includes the bulk of the cost-causing regulations for each of the facilities at issue, the department has used anecdotal reports from states with somewhat similar regulations to estimate total costs of building and operating each type of facility. However, these cost estimates are not tied specifically to Missouri's regulations and are known to include costs that are unrelated to Missouri's regulations.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

PROPOSED RULE

19 CSR 30-95.050 Cultivation Facility

PURPOSE: Under Article XIV, Section 1 of the Missouri Constitution, the Department of Health and Senior Services has the authority to regulate and control Medical Marijuana Facilities. This rule explains what regulations apply only to Cultivation Facilities.

(1) Cultivation Facility Licenses.

(A) The number of cultivation facility licenses will be limited to sixty (60) unless the department determines the limit must be increased in order to meet the demand for medical marijuana by qualifying patients.

(B) A facility license will be issued for a single facility in a single location. Combinations of licenses at the same location must be approved pursuant to 19 CSR 30-95.040(4)(C).

(2) Cultivation Facility Requirements. In addition to the requirements for cultivation facilities in 19 CSR 30-95.040, cultivation facilities shall also comply with the following:

(A) Cultivation facilities may cultivate medical marijuana in indoor, outdoor, or greenhouse facilities.

1. Each indoor facility utilizing artificial lighting will be limited to no more than thirty thousand (30,000) square feet of flowering plant canopy space.

2. Each outdoor facility utilizing natural lighting will be limited to no more than two thousand eight hundred (2,800) flowering plants.

3. Each greenhouse facility using a combination of natural and artificial lighting will be limited to, at the election of the licensee, either no more than two thousand eight hundred (2,800) flowering plants or no more than thirty thousand (30,000) square feet of flowering plant canopy space.

4. If a cultivation facility is operating with multiple cultivation licenses in the same location, the size limitations of the cultivation facility will be multiplied by the number of licenses;

(B) Facilities must keep records, by month and by batch, of all pesticides, herbicides, fertilizers, and other agricultural chemicals applied to marijuana plants and growing medium during production and processing at its facility for at least five (5) years;

(C) Facilities, except those in rural, unincorporated agricultural areas, must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources;

(D) Cultivation facilities must ensure all facility employees are trained in at least the following:

1. The use of security measures and controls that have been adopted by the facility for the prevention of diversion, inversion, theft, or loss of marijuana;

2. Proper use of the statewide track and trace system;

3. Procedures for responding to an emergency, including severe weather, fire, natural disasters, and unauthorized intrusions;

4. Standards for maintaining the confidentiality of information related to the medical use of marijuana, including, but not limited to, compliance with the Health Insurance Portability and Accountability Act of 1996;

5. The methods of cultivation used by the facility; and

6. The facility's safety and sanitation procedures;

(E) Cultivation facilities shall not transfer medical marijuana from

the facility, except to a testing facility, until the medical marijuana has been tested by a testing facility, according to the provisions of 19 CSR 30-95.070, and the cultivation facility has received verification from the testing facility that the medical marijuana passed all required testing;

(F) Cultivation facilities may only transport medical marijuana—

1. That the facility cultivated;

2. To a dispensary, testing, or manufacturing facility; and

3. If the facility complies with the requirements of 19 CSR 30-95.100(2); and

(G) Cultivation facilities shall store all medical marijuana—

1. At the approved location of the facility; or

2. In offsite warehouses that comply with the security requirements of 19 CSR 30-95.040(4)(H), the location requirements of 19 CSR 30-95.040(4)(B), and that have been approved pursuant to 19 CSR 30-95.040(3)(C).

AUTHORITY: Sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. Original rule filed May 24, 2019.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule has an estimated cost to private entities of at least \$3,000,000 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Lyndall Fraker, PO Box 570, Jefferson City, MO 65102 or via email at MMPublicComment@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: Medical Marijuana**

Rule Number and Title:	19 CSR 30-95.050 Cultivation Facility
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
60	Cultivation Facilities	\$3,000,000 - \$30,000,000 in the first year
Total =		At least \$3,000,000 in the first year

III. WORKSHEET

Cultivation Facility

Sixty (60) cultivation facilities x \$50,000 - \$500,000 for compliance with the regulations applicable to only this facility type in the first year -- \$3,000,000 - \$30,000,000.

IV. ASSUMPTIONS

Each licensed entity will incur costs to comply with all of the regulations in this rule and all other rules in Chapter 95 related to this one. However, these costs are currently unknown. More specifically, because these rules establish an entirely new regulated industry unrelated to any existing industry in Missouri, the department does not know and can only speculate what any facility or any type of facility within this industry will need to expend to comply with these regulations. No two facilities will be the same in size or operations, and with no facilities existing yet, the department is unable to calculate an average of costs.

As noted in the private fiscal note for 19 CSR 30-95.040, which includes the bulk of the cost-causing regulation for each of the facility types in Chapter 95, the department has collected anecdotal reports from states with somewhat similar regulations to estimate

total cost of building and operating each type of facility. These cost estimates are not tied specifically to Missouri's regulations and are known to include costs that are unrelated to Missouri's regulations. However, as a starting point, the department assumes the costs in other states will be similar to the costs in Missouri. Since this rule represents only a fraction of the total regulatory costs to be incurred, a fraction (specifically, a tenth) of the total costs noted for 19 CSR 30-95.040 are assumed for this rule.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

PROPOSED RULE

19 CSR 30-95.060 Infused Products Manufacturing Facility

PURPOSE: Under Article XIV, Section 1 of the Missouri Constitution, the Department of Health and Senior Services has the authority to regulate and control Medical Marijuana Facilities. This rule explains what regulations apply only to Infused Products Manufacturing Facilities.

(1) Infused Products Manufacturing Facility Licenses.

(A) The number of manufacturing facility licenses will be limited to eighty-six (86) unless the department determines the limit must be increased in order to meet the demand for medical marijuana by qualifying patients.

(B) A facility license will be issued for a single facility in a single location. Combinations of licenses at the same location must be approved pursuant to 19 CSR 30-95.040(4)(C).

(2) Manufacturing Facility Requirements. In addition to the requirements for manufacturing facilities in 19 CSR 30-95.040, manufacturing facilities shall also comply with the following:

(A) Facilities must ensure all facility employees are trained in at least the following:

1. The use of security measures and controls that have been adopted by the facility for the prevention of diversion, inversion, theft, or loss of marijuana;
2. Proper use of the statewide track and trace system;
3. Procedures for responding to an emergency, including severe weather, fire, natural disasters, and unauthorized intrusions;
4. The differences between the types of infused products manufactured at that facility and their methods of production; and
5. The facility's safety and sanitation procedures;

(B) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources;

(C) Manufacturing facilities shall not transfer medical marijuana from the facility, except to a testing facility, until the medical marijuana has been tested by a testing facility, according to the provisions of 19 CSR 30-95.070, and the manufacturing facility has received verification from the testing facility that the medical marijuana passed all required testing;

(D) Manufacturing facilities may only transport medical marijuana—

1. That the facility manufactured;
2. To a dispensary, testing, or other manufacturing facility; and
3. If the facility complies with the requirements of 19 CSR 30-95.100(2);

(E) Manufacturing facilities that produce ingestible medical marijuana-infused products shall comply with the applicable food safety standards set forth in 19 CSR 20-1.025, 19 CSR 20-1.040, and 19 CSR 20-1.050, as applicable. Such facilities are prohibited from producing frozen desserts, as defined by 19 CSR 20-1.030, or acidified foods, as defined by 19 CSR 20-1.042;

(F) Manufacturing facilities shall store all medical marijuana—

1. At the approved location of the facility; or
2. In offsite warehouses that comply with the security requirements of 19 CSR 30-95.040(4)(H), the location requirements of 19 CSR 30-95.040(4)(B), and that have been approved pursuant to 19 CSR 30-95.040(3)(C); and

(G) Manufacturing facilities that use volatile solvents shall install air-handling systems and other controls designed to minimize the risks of explosions and fires. These controls should include systems to prevent ignition; plans for safe storage, use, and disposal of solvents; and policies for continuous staff monitoring of all processes involving volatile solvents.

AUTHORITY: Sections 1.3.(1)(b), 1.3.(2), and 1.3.(3) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. Original rule filed May 24, 2019.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule has an estimated cost to private entities of at least \$4,300,000 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Lyndall Fraker, PO Box 570, Jefferson City, MO 65102 or via email at MMPublicComment@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: Medical Marijuana**

Rule Number and Title:	19 CSR 30-95.060 Infused Products Manufacturing
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
86	Manufacturing	\$4,300,000 - \$43,000,000 in the first year.
Total =		At least \$4,300,000 in the first year.

III. WORKSHEET

Manufacturing Facility

Eighty-six (86) manufacturing facilities \$50,000 - \$500,000 for compliance with the regulations applicable to only this facility type in the first year = \$4,300,000 - \$43,000,000.

IV. ASSUMPTIONS

Each licensed entity will incur costs to comply with all of the regulations in this rule and all other rules in Chapter 95 related to this one. However, these costs are currently unknown. More specifically, because these rules establish an entirely new regulated industry unrelated to any existing industry in Missouri, the department does not know and can only speculate what any facility or any type of facility within this industry will need to expend to comply with these regulations. No two facilities will be the same in size or operations, and with no facilities existing yet, the department is unable to calculate an average of costs.

As noted in the private fiscal note for 19 CSR 30-95.040, which includes the bulk of the cost-causing regulation for each of the facility types in Chapter 95, the department has

collected anecdotal reports from states with somewhat similar regulations to estimate total cost of building and operating each type of facility. These cost estimates are not tied specifically to Missouri's regulations and are known to include costs that are unrelated to Missouri's regulations. However, as a starting point, the department assumes the costs in other states will be similar to the costs in Missouri. Since this rule represents only a fraction of the total regulatory costs to be incurred, a fraction (specifically, a tenth) of the total costs noted for 19 CSR 30-95.040 are assumed for this rule.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

PROPOSED RULE

19 CSR 30-95.070 Testing Facility

PURPOSE: Under Article XIV, Section 1 of the Missouri Constitution, the Department of Health and Senior Services has the authority to regulate and control Medical Marijuana Facilities. This rule explains what regulations apply only to Testing Facilities.

(1) Access to Testing Facility Certifications. The number of testing facility certifications will be limited to ten (10) unless the department determines the limit must be increased in order to meet the demand for medical marijuana by qualifying patients.

(2) Testing Facility Requirements. In addition to the requirements of 19 CSR 30-95.040, testing facilities shall also comply with the following:

(A) Testing facilities must ensure all facility employees are trained in at least the following:

1. The use of security measures and controls that have been adopted by the facility for the prevention of diversion, inversion, theft, or loss of marijuana;

2. Proper use of the statewide track and trace system; and

3. Procedures for responding to an emergency, including severe weather, fire, natural disasters, and unauthorized intrusions;

(B) Testing facilities shall comply with International Organization for Standardization (ISO) 17025 standards for personnel at all times;

(C) During any periods of time when a facility no longer complies with ISO 17025 standards for personnel, the facility shall not conduct testing of medical marijuana. Upon return to compliance, the facility shall not resume testing until the department conducts an inspection of the facility;

(D) Testing facilities shall become fully accredited to the standard set forth by ISO 17025 by an International Laboratory Accreditation Cooperation recognized accreditation body. Testing facilities shall achieve such accreditation within one (1) year of the date the facility receives department approval to operate and shall maintain its accreditation as long the facility holds a certification.

1. The scope of the accreditation shall include all medical marijuana testing performed at the facility.

2. Loss of accreditation shall be reported to the department by the testing facility within twenty-four (24) hours of the testing facility receiving notice of the loss.

3. Inspection and audit reports from the accrediting body shall be submitted to the department by the testing facility within ten (10) days of receipt;

(E) Testing facilities shall participate in a proficiency testing program provided by an organization that operates in conformance with the requirements of ISO/IEC 17043 at least twice in a calendar year.

1. The facility shall notify the department of the proficiency testing provider the facility chooses, and the department will work with the proficiency testing provider to determine the schedule the provider will follow when sending proficiency testing samples to facilities for analysis.

2. The facility shall analyze proficiency test samples using the same procedures and equipment as used for testing medical marijuana.

3. Upon receipt of proficiency test results, the facility shall submit copies of those results to the department;

(F) Testing facilities shall install and maintain security equipment designed to prevent unauthorized entrance into limited access areas, which shall include any area where medical marijuana is tested, stored, or disposed, and to prevent diversion and inversion of med-

ical marijuana including:

1. Devices or a series of devices to detect unauthorized intrusion, which may include a signal system interconnected with a radio frequency method, such as cellular or private radio signals, or other mechanical or electronic devices;

2. Electronic monitoring, including:

A. At least one (1) call-up monitor that is nineteen inches (19") or more;

B. A printer capable of immediately producing a clear still photo from any video camera image;

C. Video cameras with a recording resolution of at least 1920 x 1080, or the equivalent, at a rate of at least fifteen (15) frames per second, that operate in such a way as to allow identification of people and activities in the monitored space, and that provide coverage of—

(I) All entrances and exits from limited access areas, including windows; and

(II) All areas in which medical marijuana is tested, stored, or disposed, from at least two (2) angles;

D. A method for storing recordings from the video cameras for at least sixty (60) days in a secure on-site or off-site location or through a service or network that provides on-demand access to the recordings and that allows for providing copies of the recordings to the department upon request and at the expense of the facility;

E. A failure notification system that provides an audible and visual notification of any failure in the electronic monitoring system; and

F. Sufficient battery backup for video cameras and recording equipment to support at least sixty (60) minutes of recording in the event of a power outage;

3. Controlled entry to limited access areas, which shall be controlled by electronic card access systems, biometric identification systems, or other equivalent means. Access information shall be recorded, and all records of entry to limited access areas shall be maintained for at least one (1) year;

(G) Testing facilities shall maintain all sampling and testing records for five (5) years; and

(H) Testing facilities may only transport medical marijuana—

1. That the facility intends to test;

2. From cultivation, dispensary, manufacturing, and other testing facilities;

3. If the facility complies with the requirements of 19 CSR 30-95.100(2).

(3) Sampling Requirements.

(A) Sampling and testing of medical marijuana shall be done at the lot level.

(B) Sampling and testing of each harvest lot or process lot shall be conducted with representative samples such that there is assurance that all lots are adequately assessed for contaminants and that the cannabinoid profile is consistent throughout.

1. In the case of dry, unprocessed marijuana, the maximum amount of marijuana from which a sample may be selected is fifteen pounds (15 lbs.), and a minimum of zero point five percent (0.5%) of a harvest lot will be sampled for testing.

2. In the case of concentrates and extracts, the amount of material required for sampling is—

Process Lot Weight		Sample Increments Required (1±0.2 g)
Pounds	Kilograms	
0-0.50	0-0.23	4
0.51-1.5	0.24-0.68	8
1.51-3.00	0.69-1.36	12
3.01-6.00	1.37-2.72	16
6.01-10.00	2.73-4.58	20
10+	4.58+	32

3. In the case of all other infused products, the amount of material required for sampling is—

Units for Sale	Sample Increments
2-15	2
16-50	3
51-150	5
151-500	8
501-3,200	13
3,201 – 35,000+	20

(4) Testing Requirements.

(A) Testing facilities shall test all lots of medical marijuana produced by cultivation or infused products manufacturing facilities. Testing shall only be performed on the final medical marijuana product equivalent to what will be dispensed to the patient.

(B) Mandatory testing requirements may only be met through testing of samples collected by the testing facility according to section (3) of this rule.

(C) Upon request from a licensed cultivation, manufacturing, or dispensary facility, testing facilities may also test material received directly from the facility, including:

1. Medical marijuana plants at any stage of growth;
2. Infused products at any stage of production; and

3. Components used for the production of final medical marijuana product, such as water or growing materials.

(D) Within five (5) business days of collecting a sample, the testing facility shall file a report in the statewide track and trace system detailing all test results and stating whether the lot passed or failed each required test. Filing of this report must coincide with or precede any notice of test results to the originating facility.

(E) Testing of the cannabinoid profile of the final medical marijuana product shall include those analytes listed below, and the acceptable limits for each analyte will be a percentage deviation from the mean in concentration throughout the lot of fifteen percent (15%) or less:

1. Delta-9 tetrahydrocannabinol (THC), CAS number 1972-08-3;
2. Tetrahydrocannabinol acid (THCA), CAS number 23978-85-0;
3. Cannabidiol (CBD), CAS number 13956-29-1;
4. Cannabidiolic acid (CBDA), CAS number 1244-58-2; and
5. Cannabinol (CBN), CAS number 521-35-7.

(F) Testing for contaminants in the final medical marijuana product shall include, but shall not be limited to:

1. Microbial screening. A test will fail if it shows—
 - A. A mycotoxin concentration, including aflatoxins and ochratoxin A, of greater than 20 micrograms per kilogram;
 - B. Pathogenic *E. coli* or salmonella concentrations detectable in 1 gram; and
 - C. Pathogenic *Aspergillus* species *A. fumigatus*, *A. flavus*, *A. niger*, or *A. terreus* detectable in 1 gram;
2. Chemical residue screening. A test will fail if it shows—

Banned Analytes	Chemical Abstract Services (CAS) Registry number	Action Limit (ppm)
Abamectin	71751-41-2	> 0.5
Acephate	30560-19-1	> 0.4
Acequinocyl	57960-19-7	> 2
Acetamiprid	135410-20-7	> 0.2
Aldicarb	116-06-3	> 0.4
Azoxystrobin	131860-33-8	> 0.2
Bifenazate	149877-41-8	> 0.2
Bifenthrin	82657-04-3	> 0.2
Boscalid	188425-85-6	> 0.4
Carbaryl	63-25-2	> 0.2
Carbofuran	1563-66-2	> 0.2
Chlorantraniliprole	500008-45-7	> 0.2
Chlorfenvapir	122453-73-0	> 1
Chloromequat Chloride	7003-89-6	> 0.2
Chlorpyrifos	2921-88-2	> 0.2
Clofentazine	74115-24-5	> 0.2
Cyfluthrin	68359-37-5	> 1
Cypermethrin	52315-07-8	> 1
Daminozide	1596-84-5	> 1
DDVP (Dichlorvos)	62-73-7	> 1
Diazinon	333-41-5	> 0.2
Dimethoate	60-51-5	> 0.2
Ethoprophos	13194-48-4	> 0.2
Etofenprox	80844-07-1	> 0.4
Etoxazole	153233-91-1	> 0.2
Fenoxycarb	72490-01-8	> 0.2
Fenpyroximate	134098-61-6	> 0.4
Fipronil	120068-37-3	> 0.4
Flonicamid	158062-67-0	> 1
Fludioxonil	131341-86-1	> 0.4
Hexythiazox	78587-05-0	> 1
Imazalil	35554-44-0	> 0.2
Imidacloprid	138261-41-3	> 0.4
Kresoxim-methyl	143390-89-0	> 0.4
Malathion	121-75-5	> 0.2
Metaxyl	57837-19-1	> 0.2
Methiocarb	2032-65-7	> 0.2
Methomyl	16752-77-5	> 0.4
Methyl parathion	298-00-0	> 0.2
MGK-264	113-48-4	> 0.2
Myclobutanil	88671-89-0	> 0.2
Naled	300-76-5	> 0.5
Oxamyl	23135-22-0	> 1
Paclobutrazol	76738-62-0	> 0.4
Permethrins*	52645-53-1	> 0.2
Prallethrin	23031-36-9	> 0.2
Phosmet	732-11-6	> 0.2
Piperonyl butoxide	51-03-6	> 2
Propiconazole	60207-90-1	> 0.4
Propoxur	114-26-1	> 0.2
Pyridaben	96489-71-3	> 0.2
Pyrethrins+	8003-34-7	> 1
Spinosad	168316-95-8	> 0.2
Spiromesifen	283594-90-1	> 0.2
Spirotetramat	203313-25-1	> 0.2
Spiroxamine	118134-30-8	> 0.4
Tebuconazole	80443-41-0	> 0.4
Thiacloprid	111988-49-9	> 0.2
Thiamethoxam	153719-23-4	> 0.2
Trifloxystrobin	141517-21-7	> 0.2
Spirotetramat	203313-25-1	> 0.2
Spiroxamine	118134-30-8	> 0.4
Tebuconazole	80443-41-0	> 0.4
Thiacloprid	111988-49-9	> 0.2
Thiamethoxam	153719-23-4	> 0.2
Trifloxystrobin	141517-21-7	> 0.2

* Permethrins cumulative residue of cis- and trans-permethrin isomers
+ Pyrethrins cumulative residues of pyrethrin 1, cinerin 1 and jasmolin 1

3. Heavy metal screening. A test will fail if it shows—

Metal	Failure Level for Medical Marijuana (Meant for Inhalation) (ppm)	Failure Level for Medical Marijuana-Infused Products (ppm)
Inorganic Arsenic	> 0.2	> 1.5
Cadmium	> 0.2	> 0.5
Total Chromium	> 0.6	> 2.0
Lead	> 0.5	> 0.5
Mercury	> 0.1	> 3.0

4. Residual solvents. A test will fail if it shows—

Solvent	Chemical Abstract Services (CAS) Registry number	Failure Level for Medical Marijuana (Inhalation) (ppm)	Failure Level for Medical Marijuana-Infused Products (ppm)
1,2-Dichloroethane	107-06-2	> 2	> 5
Acetone	67-64-1	> 750	> 5000
Acetonitrile	75-05-8	> 60	> 410
Benzene	71-43-2	> 1	> 2
Butanes (all isomers)	106-97-8	> 800	> 5000
Chloroform	67-66-3	> 2	> 60
Ethanol	64-17-5	> 1000	> 5000
Ethyl acetate	141-78-6	> 400	> 5000
Ethyl ether	60-29-7	> 500	> 5000
Ethylene Oxide	75-21-8	> 5	> 50
Heptane	142-82-5	> 500	> 5000
Hexanes (all isomers)	11054-3	> 50	> 290
Isopropyl alcohol	67-63-0	> 500	> 5000
Methanol	67-56-1	> 250	> 3000
Methylene chloride	75-09-2	> 125	> 600
Pentanes (all isomers)	109-66-0	> 750	> 5000
Propane	74-98-6	> 2100	> 5000
Toluene	79-01-6	> 150	> 890
Trichloroethylene	108-88-3	> 25	> 80
Total Xylenes (ortho-, meta-, para-)	1330-20-7	> 150	> 2170

5. Water activity and moisture content screening. A test will fail if it shows, for dry, unprocessed marijuana, water activity that exceeds 0.65 Aw and moisture content that is not between 5.0% and 13.0%; and

6. Foreign matter screening. A test will fail if it shows—

A. More than 5.0% of stems 3 mm or more in diameter; or

B. More than 2.0% of other foreign matter (mites, hair, dirt, etc.).

(5) Medical marijuana that fails mandatory testing shall not be retested and will be immediately placed on hold by the testing facility through the statewide track and trace system pending disposal or remediation.

(6) Testing facilities may acquire from cultivation, manufacturing, and dispensary facilities raw material, such as plant material, concentrates, extracts, and infused products, for testing method development.

(7) Testing facilities shall retain any portion of a sample that was not used in the testing process for, at a minimum, forty-five (45) business days after testing is complete.

(A) Excess sample material shall be securely stored in a manner that prohibits sample degradation, contamination, and tampering and available to the department upon request.

(B) When no longer subject to retention, sample material shall be disposed pursuant to 19 CSR 30-90.070(4)(E).

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule has an estimated cost to private entities of at least five hundred thousand dollars (\$500,000) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Lyndall Fraker, PO Box 570, Jefferson City, MO 65102 or via email at MMPublicComment@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

AUTHORITY: Sections 1.3.(1)(b), 1.3.(2), 1.3.(3), and 1.3.(4) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. Original rule filed May 24, 2019.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: Medical Marijuana**

Rule Number and Title:	19 CSR 30-95.070 Testing
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
10	Testing	\$500,000 - \$5,000,000 in the first year.
Total =		At least \$500,000 in the first year.

III. WORKSHEET**Testing Facility**

Ten (10) testing facilities \$50,000 - \$500,000 for compliance with the regulations applicable to only this facility type in the first year = \$500,000 - \$5,000,000.

IV. ASSUMPTIONS

Each licensed entity will incur costs to comply with all of the regulations in this rule and all other rules in Chapter 95 related to this one. However, these costs are currently unknown. More specifically, because these rules establish an entirely new regulated industry unrelated to any existing industry in Missouri, the department does not know and can only speculate what any facility or any type of facility within this industry will need to expend to comply with these regulations. No two facilities will be the same in size or operations, and with no facilities existing yet, the department is unable to calculate an average of costs.

As noted in the private fiscal note for 19 CSR 30-95.040, which includes the bulk of the cost-causing regulation for each of the facility types in Chapter 95, the department has collected anecdotal reports from states with somewhat similar regulations to estimate

total cost of building and operating each type of facility. These cost estimates are not tied specifically to Missouri's regulations and are known to include costs that are unrelated to Missouri's regulations. However, as a starting point, the department assumes the costs in other states will be similar to the costs in Missouri. Since this rule represents only a fraction of the total regulatory costs to be incurred, a fraction (specifically, a tenth) of the total costs noted for 19 CSR 30-95.040 are assumed for this rule.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

PROPOSED RULE

19 CSR 30-95.080 Dispensary Facility

PURPOSE: Under Article XIV, Section 1 of the Missouri Constitution, the Department of Health and Senior Services has the authority to regulate and control Medical Marijuana Facilities. This rule explains what regulations apply only to Dispensary Facilities.

(1) Access to Dispensary Facility Licenses.

(A) The number of dispensary facility licenses will be limited to one hundred ninety-two (192) unless the department determines the limit must be increased in order to meet the demand for medical marijuana by qualifying patients.

(B) Dispensary facility licenses will be limited to twenty-four (24) in each of the eight (8) United States congressional districts in the state of Missouri as drawn and in effect on December 6, 2018. A map of the state of Missouri showing the applicable boundary lines of Missouri's congressional districts will be available on the department's website at <http://medicalmarijuana.mo.gov>.

(C) A facility license will be issued for a single facility in a single location. Combinations of licenses at the same location must be approved pursuant to 19 CSR 30-95.040(4)(C).

(2) Dispensary Facility Requirements. In addition to the requirements of 19 CSR 30-95.040, dispensary facilities shall also comply with the following:

(A) Dispensary facilities must ensure all facility employees are trained in at least the following:

1. The use of security measures and controls that have been adopted by the facility for the prevention of diversion, inversion, theft, or loss of marijuana;

2. Proper use of the statewide track and trace system;

3. Procedures for responding to an emergency, including severe weather, fire, natural disasters, and unauthorized intrusions;

4. Standards for maintaining the confidentiality of information related to the medical use of marijuana, including, but not limited to, compliance with the Health Insurance Portability and Accountability Act;

5. Procedures for verifying the identity and purchase limitations of qualifying patients and primary caregivers;

6. The differences in the purported effects and effectiveness of the strains of medical marijuana available for purchase at that dispensary and the methods of their use; and

7. Recognizing signs of medical marijuana abuse in patients;

(B) Dispensary facilities must make available to all customers patient education materials that include at least the following:

1. Local resources for concerns about addiction, as well as the phone number for the Substance Abuse and Mental Health Services Administration's National Helpline;

2. Information about the different strains of medical marijuana available at that dispensary and the purported effects of the different strains;

3. Information about the purported effectiveness of various methods, forms, and routes of administering medical marijuana;

4. Information about potential risks and possible side effects of medical marijuana use, including risk of poisoning and the phone number for the closest poison control center; and

5. The prohibition on consuming marijuana for medical use in a public place, including the definition of what constitutes a public place pursuant to this rule;

(C) Dispensary facilities must, for every transaction—

1. Receive the transaction order at the dispensary directly from

the qualifying patient or primary caregiver in person, by phone, or via the internet, and not from a third party;

2. At the time of sale, verify through the statewide track and trace system that the qualifying patient or primary caregiver is currently authorized to purchase the amount of medical marijuana requested and, in the case of a seed purchase, that the patient or primary caregiver is currently authorized to cultivate medical marijuana;

3. In the case of a delivery order, receive payment before the medical marijuana leaves the dispensary, subject to refund if the delivery cannot be completed; and

4. At the time of sale or delivery, require production of a qualifying patient or primary caregiver identification card, a government-issued photo ID, and in the case of medical marijuana seed purchases, a patient cultivation identification card;

(D) Dispensary facilities must report any incident of theft or attempted theft of medical marijuana to the department within twenty-four (24) hours of the incident;

(E) Dispensary facilities must design their facility and staffing in such a way as to accomplish the following:

1. The general public, qualifying patients, and primary caregivers may only enter the facility through one (1) access point into an area where facility agents shall screen individuals for qualifying patient or primary caregiver status. No medical marijuana may be accessible in this area;

2. Only qualifying patients, primary caregivers, and, if requested by a qualifying patient, up to two (2) additional persons to support the qualifying patient, may enter any areas beyond the facility's access point area; and

3. In any limited access area where medical marijuana is accessible, the facility shall only allow access at any given time for a number of qualifying patients and/or primary caregivers equal to the number of staff available to serve those individuals at that time;

(F) Dispensary facilities shall not sell medical marijuana until the medical marijuana has been tested by a testing facility, according to the provisions of 19 CSR 30-95.070, and been verified as passing all required testing;

(G) Dispensary facilities may only transport medical marijuana—

1. To qualifying patients, primary caregivers, testing, manufacturing, and other dispensary facilities; and

2. If the facility complies with the requirements of 19 CSR 30-95.100(2);

(H) Dispensary facilities that sell ingestible medical marijuana-infused products shall comply with the applicable food safety standards set forth in 19 CSR 20-1.025;

(I) Dispensary facilities shall store all medical marijuana—

1. At the approved location of the facility; or

2. In offsite warehouses that comply with the security requirements of 19 CSR 30-95.040(4)(H), the location requirements of 19 CSR 30-95.040(4)(B), and that have been approved pursuant to 19 CSR 30-95.040(3)(C);

(J) Dispensary facilities shall only sell medical marijuana seeds acquired from cultivation facilities;

(K) Dispensary facilities shall not sell medical marijuana to a qualifying patient or primary caregiver in amounts greater than what that individual is currently authorized to purchase per the statewide track and trace system;

(L) Dispensary facilities shall not sell medical marijuana seeds to a qualifying patient or primary caregiver who is not currently authorized to cultivate medical marijuana;

(M) Dispensary facilities may accept returns and issue refunds or credits as needed except that medical marijuana that has been removed from the packaging in which it arrived at the dispensary, whether removed before sale by the dispensary or after sale by a patient or caregiver, may not be accepted as a return;

(N) Dispensary facilities shall not disburse medical marijuana as part of a promotional event. If a facility disburses medical marijuana free of charge for any other reason, the facility shall record that

disbursement of product in its seed-to-sale system with all relevant entries, including the qualifying patient or primary caregiver information and the amount of medical marijuana disbursed to that qualifying patient or primary caregiver;

(O) Dispensary facilities shall not allow consumption of medical marijuana on their licensed premises; and

(P) Dispensary facilities shall not allow physicians to meet with individuals on the dispensary's premises for the purpose of certifying them as qualifying patients.

AUTHORITY: Sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. Original rule filed May 24, 2019.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule has an estimated cost to private entities of at least \$9,600,000 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Lyndall Fraker, PO Box 570, Jefferson City, MO 65102 or via email at MMPublicComment@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PRIVATE COST

- I. Department Title: Department of Health and Senior Services**
Division Title: Division of Regulation and Licensure
Chapter Title: Medical Marijuana

Rule Number and Title:	19 CSR 30-95.080 Dispensary
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
192	Dispensary	\$9,600,000 – \$96,000,000 in the first year.
Total =		At least \$9,600,000 in the first year.

III. WORKSHEET

Dispensary Facility

One hundred ninety-two (192) dispensary x \$50,000 - \$500,000 for compliance with the regulations applicable to only this facility type in the first year -- \$9,600,000 – \$96,000,000.

IV. ASSUMPTIONS

Each licensed entity will incur costs to comply with all of the regulations in this rule and all other rules in Chapter 95 related to this one. However, these costs are currently unknown. More specifically, because these rules establish an entirely new regulated industry unrelated to any existing industry in Missouri, the department does not know and can only speculate what any facility or any type of facility within this industry will need to expend to comply with these regulations. No two facilities will be the same in size or operations, and with no facilities existing yet, the department is unable to calculate an average of costs.

As noted in the private fiscal note for 19 CSR 30-95.040, which includes the bulk of the cost-causing regulation for each of the facility types in Chapter 95, the department has

collected anecdotal reports from states with somewhat similar regulations to estimate total cost of building and operating each type of facility. These cost estimates are not tied specifically to Missouri's regulations and are known to include costs that are unrelated to Missouri's regulations. However, as a starting point, the department assumes the costs in other states will be similar to the costs in Missouri. Since this rule represents only a fraction of the total regulatory costs to be incurred, a fraction (specifically, a tenth) of the total costs noted for 19 CSR 30-95.040 are assumed for this rule.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

PROPOSED RULE

19 CSR 30-95.090 Seed-to-Sale Tracking

PURPOSE: Under Article XIV, Section 1 of the Missouri Constitution, the Department of Health and Senior Services has the authority to regulate and control Medical Marijuana Facilities. This rule explains what regulations apply to certification of seed-to-sale tracking systems.

(1) Access to Seed-to-Sale Tracking System Certifications.

(A) The department will not limit the number of certifications available for seed-to-sale tracking system entities.

(B) The department will begin accepting applications for review on August 3, 2019. All complete applications received by the department that are submitted on or after that date will be approved or denied within one hundred fifty (150) days of that application's submission. An application will be considered complete if it includes all information required for applications by this rule. The department will notify an applicant if an application is incomplete and will specify in that notification what information is missing. Applicants will be given seven (7) days to provide missing information. Failure to provide missing information may result in denial of the application.

(C) The department shall charge an application fee for a seed-to-sale certification and also an annual fee once a certification is granted. The first annual fee will be due thirty (30) days after a certification is issued and shall be due annually on that same date as long as the certification remains valid. The department shall publish the current fees, including any adjustments, on its website at <http://medical-marijuana.mo.gov>. The amount of fees due will be the amount that is effective as of the due date for the fee.

(2) Application Requirements. All applications for seed-to-sale tracking system certifications shall include at least the following information:

- (A) Name and address of the applicant;
- (B) Legal name of the entity, including any fictitious business names, and a certificate of good standing from the Missouri Office of the Secretary of State;
- (C) An attestation by an owner or principle of the entity that the seed-to-sale tracking system can and will comply with this rule; and
- (D) All applicable fees or proof that all applicable fees have already been paid.

(3) Seed-to-Sale Tracking System Requirements. All seed-to-sale tracking systems used by cultivation, manufacturing, dispensary, testing, and transportation facilities shall be capable of—

(A) Interfacing with the statewide track and trace system such that a licensed or certificated facility may enter and access information in the statewide track and trace system as required for inventory control and tracking by 19 CSR 30-95.040(4)(G) and for purchase limitations by 19 CSR 30-95.080(2)(D);

(B) Providing the department with access to all information stored in the system's database;

(C) Maintaining the confidentiality of all patient data and records accessed or stored by the system such that all persons or entities other than the department may only access the information in the system that they are authorized by law to access; and

- (D) Producing analytical reports to the department regarding—
 - 1. Total quantity of daily, monthly, and yearly sales at the facility per product type;
 - 2. Average prices of daily, monthly, and yearly sales at the facility per product type; and

3. Total inventory or sales record adjustments at the facility.

(4) Seed-to-Sale Tracking System Prohibitions.

(A) Before beginning operations, all certified seed-to-sale tracking system entities shall sign the department's Medical Marijuana Application Programming Interface User Agreement.

(B) No seed-to-sale tracking system entity may sell seed-to-sale tracking services or services related to compliance with seed-to-sale tracking regulations to a licensed or certified facility if it is owned by or affiliated with an entity that currently holds a contract with the state of Missouri for any product or service related to the department's medical marijuana program.

(5) Failure to comply with this rule and failure to abide by the department's Medical Marijuana Application Programming Interface User Agreement may result in revocation of certification.

AUTHORITY: Sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. Original rule filed May 24, 2019.

PUBLIC COST: This proposed rule has an estimated cost to state agencies or political subdivisions of three hundred sixty-two thousand twenty-one dollars (\$362,021) in the aggregate.

PRIVATE COST: This proposed rule has an estimated cost to private entities of at least \$17,085,000 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Lyndall Fraker, PO Box 570, Jefferson City, MO 65102 or via email at MMPublicComment@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: Medical Marijuana**

Rule Number and Title:	19 CSR 30-95.090 Seed to Sale
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health & Senior Services' costs =	\$362,021 for the first three year period and \$119,120 annually thereafter for personnel costs; the cost of the contract is unknown.
Total =	\$362,021 for the first three year period and \$119,120 annually thereafter for personnel costs; the cost of the contract is unknown.

III. WORKSHEET

Operations Manager

One (1.0) FTE with an annual salary of \$60,000 and with estimated fringe benefits of \$30,894.

First Year expense (computer, office, furniture etc.) for one FTE listed above - \$4,661

On-going expenses (including travel, office supplies, network, printing, etc.) for one FTE - \$28,226

$\$60,000 \text{ (salary)} + \$30,894 \text{ (fringe benefits)} + \$28,226 \text{ (on-going expenses)} \times \text{three (3)}$
 $= \$357,360 + \$4,661 \text{ (one-time first year expense)} = \$362,021 \text{ for the first three year period.}$

$\$60,000 \text{ (salary)} + \$30,894 \text{ (fringe benefits)} \div \$28,226 \text{ (on-going expenses)} = \$119,120$
annually thereafter.

Facility Licensing System Contract

Estimated contract cost is unknown.

IV. ASSUMPTIONS

In order to process applications for certification as a seed-to-sale system, the department will need an Operations Manager, who will also perform other duties not covered by this proposed rule.

In order to receive, process, and maintain records related to seed to sale certifications, the department will need a Seed to Sale application processing component within a Facility Licensing System, which is an IT solution specifically designed for medical marijuana program functions. The cost for adding a Seed to Sale application processing component to a Facility Licensing System is currently unknown

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: Medical Marijuana**

Rule Number and Title:	19 CSR 30-95.090 Seed to Sale Tracking
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
67	Seed-to-Sale companies	\$335,000 in the first year and \$670,000 for two additional years in total.
67	Seed-to-Sale companies	\$16,750,000 - \$33,500,000 in the first year.
Total =		At least \$17,085,000 in the first year.

III. WORKSHEET

Seed-to-Sale companies

Sixty-seven (67) seed-to-sale companies x five thousand (5,000) dollars for application fee in year one = \$335,000.

Sixty-seven (67) seed-to-sale companies x five thousand (5,000) dollars for annual fee in years two and three = \$335,000.

Sixty-seven (67) seed-to-sale companies x \$250,000 - \$500,000 for compliance with all regulations applicable to seed-to-sale entities in the first year = \$16,750,000 - \$33,500,000.

IV. ASSUMPTIONS

Each facility that applies for and receives a seed-to-sale certification from the department will incur application fees and annual fees. The department does not know how many seed-to-sale entities will apply for or receive certifications. However, the department

assumes there will be a similar number of such entities willing and able to be operate in Missouri as there are in Michigan, which is a state with similar requirements for integration with the same statewide track and trace system as will be used in Missouri.

Additionally, every entity that applies for a certification that does not receive one will incur a non-refundable application fee. It is unknown how many of these entities will submit applications.

Finally, each licensed entity will incur costs to comply with all of the regulations in this rule and all other rules in Chapter 95 related to this one. However, these costs are currently unknown. More specifically, because these rules establish an entirely new regulated industry unrelated to any existing industry in Missouri, the department does not know and can only speculate what any facility or any type of facility within this industry will need to expend to comply with these regulations. No two facilities will be the same in size or operations, and with no facilities existing yet, the department is unable to calculate an average of costs.

For purposes of this rule, the department has used anecdotal reports from states with somewhat similar regulations to estimate total costs of building and operating a seed-to-sale business. However, these cost estimates are not tied specifically to Missouri's regulations and are known to include costs that are unrelated to Missouri's regulations.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

PROPOSED RULE

19 CSR 30-95.100 Transportation Facility

PURPOSE: Under Article XIV, Section 1 of the Missouri Constitution, the Department of Health and Senior Services has the authority to regulate and control Medical Marijuana Facilities. This rule explains what regulations apply only to Transportation Facilities.

(1) Access to Transportation Facility Certifications.

(A) The department will certify all transportation facilities that can demonstrate they meet minimum standards as described in 19 CSR 30-95.025(4)(A).

(B) A facility license will be issued for a single facility with a single, primary place of business. Combinations of licenses at the same location must be approved pursuant to 19 CSR 30-95.040(4)(C).

(2) Transportation Facility Requirements. In addition to the requirements for transportation facilities in 19 CSR 30-95.040, transportation facilities shall also comply with the provisions of this section.

(A) Transportation facilities must ensure all facility employees are trained in at least the following:

1. The use of security measures and controls that have been adopted by the facility for the prevention of diversion, inversion, theft, or loss of medical marijuana;
2. Proper use of the statewide track and trace system;
3. Procedures for responding to an emergency, including severe weather, fire, natural disasters, and unauthorized intrusions; and
4. Standards for maintaining the confidentiality of information related to the medical use of marijuana, including, but not limited to, compliance with the Health Insurance Portability and Accountability Act of 1996.

(B) Transportation facilities shall transport all medical marijuana from an originating facility to a destination facility within twenty-four (24) hours. When extenuating circumstances necessitate holding medical marijuana longer than twenty-four (24) hours, the transportation facility shall notify the department of the circumstances and the location of the medical marijuana.

(C) Unless allowed by the local government, a transportation facility's primary place of business shall not be sited, at the time of application for certification or for local zoning approval, whichever is earlier, within one thousand feet (1,000') of any then-existing elementary or secondary school, daycare, or church.

1. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the property line of the facility to the closest point of the property line of the school, daycare, or church.

2. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church.

3. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.

(D) A transportation facility's primary place of business shall meet the security requirements of 19 CSR 30-95.040(4)(H). In addition to those requirements, transportation facilities shall also comply with the following:

1. All vehicles used to transport medical marijuana shall not be marked in any way that indicates medical marijuana is being transported by that vehicle and shall be equipped with at least—

A. A secure lockbox or locking cargo area made of smooth,

hard surfaces that are easily cleaned for storing medical marijuana during transit;

B. A secure lockbox for storing payments and video monitoring recording equipment during transit;

C. Video monitoring of the driver and passenger compartment in the vehicle and of any space where medical marijuana is stored during transit; and

D. GPS tracking;

2. Facility agents transporting medical marijuana shall—

A. Prior to transporting medical marijuana, print an inventory manifest for the trip generated from the statewide track and trace system and create a trip plan, which shall be provided to the facility from which the medical marijuana is transported, and which shall include:

(I) The name of the facility agent(s) transporting the medical marijuana;

(II) The date and start time of transportation;

(III) The anticipated delivery time; and

(IV) The anticipated route of transportation;

B. During transport—

(I) Have facility agent identification card(s) accessible at all times;

(II) Keep a copy of the applicable inventory manifest and trip plan in the transportation vehicle, which shall be placed under the driver's seat or in a compartment beside the driver's seat for the duration of the trip;

(III) Have a means of communication accessible at all times;

(IV) Immediately report to law enforcement any vehicle accidents in which the transportation vehicle is involved; and

(V) Immediately report any loss or theft of medical marijuana to a person designated by the transportation facility for this purpose; and

C. After transport, revise the trip plan to reflect the actual route taken and the end time of transportation and deliver the revised trip plan to a person designated by the transportation facility for this purpose;

3. Any incident of theft or attempted theft of medical marijuana shall be reported to the department within twenty-four (24) hours of the incident; and

4. All trip plans and revised trip plans shall be maintained by the transportation facility for at least five (5) years.

AUTHORITY: Sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. Original rule filed May 24, 2019.

PUBLIC COST: This proposed will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Lyndall Fraker, PO Box 570, Jefferson City, MO 65102 or via email at MMPublicComment@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: Medical Marijuana**

Rule Number and Title:	19 CSR 30-95.100 Transportation
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
unknown	Transportation	At least \$500 in the first year
Total =		At least \$500 in the first year

III. WORKSHEET**Transportation Facility**

Unknown number of transportation facilities x unknown cost = unknown cost.

IV. ASSUMPTIONS

Each licensed entity will incur costs to comply with all of the regulations in this rule and all other rules in Chapter 95 related to this one. However, these costs are currently unknown. More specifically, because these rules establish an entirely new regulated industry unrelated to any existing industry in Missouri, the department does not know and can only speculate what any facility or any type of facility within this industry will need to expend to comply with these regulations. No two facilities will be the same in size or operations, and with no facilities existing yet, the department is unable to calculate an average of costs. Finally, the department has been unable to identify another state with requirements similar enough to Missouri's on which to base a reasonable comparison. The department assumes the cost to private entities will be well over \$500 in the aggregate.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 95—Medical Marijuana**

PROPOSED RULE

19 CSR 30-95.110 Physicians

PURPOSE: Under Article XIV, Section 1 of the Missouri Constitution, patients with qualifying medical conditions have the right to discuss freely with their physicians the possible benefits of medical marijuana use, and physicians have the right to provide professional advice concerning the same. This rule explains how the department will implement provisions of Article XIV, Section 1 related to Physicians.

(1) Physician Certification. Physicians will submit certifications electronically through a department-provided, web-based system. In the event of system unavailability, the department will arrange to accept physician certifications in an alternative, department-provided format and will notify the public of those arrangements through its website at <http://medicalmarijuana.mo.gov>.

(A) Physician certifications must be issued no earlier than thirty (30) days before the date the patient will apply for a patient identification card or renewal of a patient identification card.

(B) Physician certifications must include at least the following information:

1. The physician's name, as it appears in the records of the Missouri Division of Professional Registration;
2. The physician's licensee number;
3. Whether the physician is licensed to practice medicine or osteopathy;
4. The physician's business address, telephone number, and email address;
5. The qualifying patient's name, date of birth, and Social Security number;
6. The qualifying patient's qualifying condition;
7. The physician's recommendation for the amount of medical marijuana the qualifying patient should be allowed to purchase in a thirty- (30-) day period if the recommended amount is more than four (4) ounces of dried, unprocessed marijuana or its equivalent;
8. Statements confirming the following:

A. In the case of a non-emancipated qualifying patient under the age of eighteen (18), before certifying the qualifying patient for use of medical marijuana, the physician received the written consent of a parent or legal guardian who asserts he or she will serve as a primary caregiver for the qualifying patient;

B. The physician met with and examined the qualifying patient, reviewed the qualifying patient's medical records or medical history, reviewed the qualifying patient's current medications and allergies to medications, discussed the qualifying patient's current symptoms, and created a medical record for the qualifying patient regarding the meeting;

C. In the opinion of the physician, the qualifying patient suffers from the qualifying condition; and

D. The physician discussed with the qualifying patient risks associated with medical marijuana, including known contraindications applicable to the patient, risks of medical marijuana use to fetuses, and risks of medical marijuana use to breastfeeding infants; and

9. The signature of the physician and date on which the physician signed.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule has an estimated cost to private entities of at least \$1,956,200 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Lyndall Fraker, PO Box 570, Jefferson City, MO 65102 or via email at MMPublicComment@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

AUTHORITY: Sections 1.3.(1)(b) and 1.3.(2) of Article XIV, Mo. Const. Emergency rule filed May 24, 2019, effective June 3, 2019, expires Feb. 27, 2020. Original rule filed May 24, 2019.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Health and Senior Services**
Division Title: Division of Regulation and Licensure
Chapter Title: Medical Marijuana

Rule Number and Title:	19 CSR 30-95.110 Physicians
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
unknown	Physicians	\$1,956,200 for first year
Total =		\$1,956,200 for first year

III. WORKSHEET**Physicians**

Unknown number of physicians x \$97.81/hr x 1 hr x twenty thousand (20,000) patients = \$1,956,200 for the first year.

IV. ASSUMPTIONS

Each physician who wants to certify a patient for the medical use of marijuana must meet with the patient and conduct certain administrative functions in connection with that meeting, such as creating a medical record and logging in to the state's Patient Registry system to fill out and submit a certification form. Recent anecdotal and media reports indicate physicians in Missouri are scheduling certification appointments with patients in thirty- (30-) minute increments. The appointments are required by this rule in order for a physician to certify a patient. The department assumes the additional administrative functions related to these appointments that are required by this rule will take approximately thirty (30) minutes per patient. According to the Missouri Economic Research and Information Center, the mean hourly wage for Physician and Surgeons, All Other is \$97.81.

The University of Missouri conducted a market analysis to try to predict, among other things, how many patients would apply for medical marijuana access in the first year the program is functioning. The analysis concluded Missouri can expect approximately twenty thousand patients in the first year. It is unknown how many physicians will participate in certifying patients.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2010—Missouri State Board of Accountancy
Chapter 4—Continuing Education Requirements**

PROPOSED AMENDMENT

20 CSR 2010-4.010 Effective Dates and Basic Requirements. The board is amending the purpose and section (1).

PURPOSE: This amendment updates the continuing professional education requirements and adds a grace period.

PURPOSE: This rule sets forth the continuing professional education requirements for [renewal of] a license to practice.

(1) The following requirements of continuing professional education (CPE) apply to [the renewal of licenses pursuant to section 326.286, RSMo:] **all applicants and active individual licensees who hold a license for an entire calendar year—**

(A) *[An] Prior to January 1, 2020, an applicant seeking renewal of a license shall have completed no less than one hundred twenty (120) hours of [continuing professional education] CPE, complying with these rules during the three- (3-) year period preceding renewal, ending December 31, 2019. Commencing on January 1, 2004 (and through December 31, 2019), a minimum of twenty (20) hours of [continuing professional education] CPE is required in each calendar year. Commencing on January 1, 2012 (and through December 31, 2019), a minimum of six (6) hours of the required one hundred twenty (120) hours of CPE in a three- (3-) year period preceding renewal shall be in the area of ethics. An applicant seeking renewal of a license shall demonstrate participation in a program of learning meeting the standards set forth in the Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by National Association of State Boards of Accountancy (NASBA) and American Institute of Certified Public Accountants (AICPA) as provided in 20 CSR 2010-4.020, or such other standards acceptable to the board[;].*

(B) *[An applicant seeking reinstatement of their license, and who has not been practicing public accounting, shall submit evidence to the board that he or she has completed forty (40) hours of continuing professional education (CPE) during the twelve (12) months previous to making application for reinstatement of the license; or:] Beginning January 1, 2020, a licensee shall complete and maintain documentation of no less than forty (40) hours of qualifying CPE each calendar year a licensee holds a license. A minimum of two (2) hours of the required forty (40) hours of CPE shall be in the area of ethics.*

(C) *[The applicant agrees to obtain forty (40) hours of continuing professional education within sixty (60) days of applying for reinstatement] Beginning January 1, 2021, licensees in good standing will be granted a thirty-one (31) day grace period ending January 31 after each calendar year to cure a CPE shortage for the preceding calendar year. Licensees requesting to use this grace period shall submit a written application to the board on a form prescribed by the board.*

(D) *[A nonresident licensee seeking renewal of a license in this state shall be determined] The board may deem a nonresident applicant or licensee to have met the CPE requirements of this [rule] chapter by meeting the CPE requirements [for renewal of a license] in the state in which the licensee resides or where the licensee's principal office is located[;]. Nonresidents may request approval by submitting written application to the board.*

[(E) Nonresident applicants for renewal shall demonstrate compliance with the CPE renewal requirements of the state in which the licensee's principal office is located by attesting on an application provided by the board;

[(F) If a nonresident licensee's principal office state has no CPE requirements for renewal of a license, the nonresident licensee must comply with all CPE requirements for renewal of a license in this state.]

AUTHORITY: section 326.271, RSMo [Supp. 2012] 2016. This rule originally filed as 4 CSR 10- 4.010. Original rule filed Nov. 5, 1984, effective Feb. 11, 1985. Amended: Filed Aug. 3, 1988, effective Nov. 24, 1988. Amended: Filed April 18, 1989, effective July 27, 1989. For intervening history, please consult the Code of State Regulations. Amended: Filed May 20, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Accountancy, PO Box 613, Jefferson City, MO 65102, by facsimile at 573-751-0012, or via email at mosba@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2010—Missouri State Board of Accountancy
Chapter 4—Continuing Education Requirements**

PROPOSED AMENDMENT

20 CSR 2010-4.020 Qualifying Programs. The board is amending section (1).

PURPOSE: This amendment clarifies qualifying requirements a Continuing Professional Education (CPE) course needs to meet to be accepted by the board.

(1) Programs Qualifying for Continuing Professional Education (CPE) Credit.

(A) Standards. *[Effective January 1, 2003 a]A program qualifies as acceptable [continuing professional education for purposes of section 326.286, RSMo and these rules if it is a program of learning that contributes to the growth in the professional knowledge and professional competence of a licensee. The] CPE if the program [must] meets or exceeds the minimum standards of quality of development, presentation, measurement, and reporting of credits set forth in the Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by the National Association of State Boards of Accountancy (NASBA) and the American Institute of Certified Public Accountants (AICPA) or such other standards acceptable to the board.*

(B) The Statement on Standards for Continuing Professional Education (CPE) Programs, revised August 2016 and effective September 1, 2016, published by the NASBA and AICPA are incorporated in this rule by reference. A copy of the Statement on Standards for Continuing Professional Education (CPE) Programs may be obtained online at www.nasbaregistry.org, or by contacting NASBA, 150 Fourth Avenue N., Suite 700, Nashville, TN, 37219 or AICPA, 1211 Avenue of the Americas, New York, NY 10036 This rule does not incorporate any later amendments or additions to the standards.

[(B)](C) Subject Areas. The board will accept programs meeting the standards set forth in the Statement on Standards for Continuing Professional Education (CPE) Programs [jointly approved by the NASBA and the AICPA or standards deemed by the board to be comparable thereto] (September 1, 2016) and as set forth in this rule. The board will accept the following sources of CPE as defined in the Statement on Standards:

1. Group programs;
2. Self-study programs;
3. Blended learning programs;
4. Nano-learning programs;
5. Instructor/developer of CPE programs;
6. Technical reviewer of CPE programs or work on technical committees;
7. Independent study;
8. College or university courses in accounting or accounting-related field of study; except basic or introductory accounting courses or CPA exam preparation/review courses; and
9. Authorship of published articles, books, and other publications relevant to maintaining or improving professional competence. Authorship hours claimed for CPE shall not exceed two (2) hours in any calendar year.

AUTHORITY: section 326.271, RSMo [Supp. 2003] 2016. This rule originally filed as 4 CSR 10-4.020. Original rule filed Nov. 5, 1984, effective Feb. 11, 1985. Amended: Filed June 4, 1990, effective Nov. 30, 1990. Rescinded and readopted: Filed April 5, 2004, effective July 30, 2004. Moved to 20 CSR 2010-4.020, effective Aug. 28, 2006. Amended: Filed May 20, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Accountancy, PO Box 613, Jefferson City, MO 65102, by facsimile at 573-751-0012, or via email at mosba@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2010—Missouri State Board of Accountancy
Chapter 4—Continuing Education Requirements**

PROPOSED AMENDMENT

20 CSR 2010-4.031 Continuing Professional Education (CPE) Documentation. The board is amending section (1).

PURPOSE: This amendment clarifies the requirements for documenting CPE and adds a thirty (30) day grace period.

(1) Continuing Professional Education (CPE) Records.

(A) [Applicants for renewal of a license shall attest on an application provided by the board that they have met the requirements for participation in a program of continuous learning as set forth by the board or contained] All licensees must maintain documentation demonstrating compliance in meeting their CPE requirements.

(B) Acceptable documentation requirements are set forth in the

Statement on Standards for Continuing Professional Education (CPE) Programs [jointly approved by the National Association of State Boards of Accountancy (NASBA) and the American Institute of Certified Public Accountants (AICPA)] in rule 20 CSR 2010-4.020.

(C) Responsibility for documenting the acceptability of the program and the validity of the credits rests with the applicant or license holder who should retain such documentation for a period of five (5) calendar years [following completion of each learning activity].

[(B)](D) The board may verify [information submitted] the CPE reported by applicants for licensure and licensees. In cases where the board determines that the requirement is not met, the board may grant an additional period of time in which the deficiencies [can] may be cured.

(E) Beginning January 1, 2021, a licensee in good standing may cure their CPE deficiencies due to a disallowance of courses or hours by the board as follows:

1. A licensee shall have thirty (30) days from the date of notice of the board's assertion of a licensee's failure to comply with the annual qualifying CPE requirements to obtain qualifying CPE hours.

2. Licensees requesting to use the above cure period shall submit a written application to the board on a form provided by the board no later than thirty (30) days from the date of the board's notice.

(F) Failure to comply with CPE requirements and/or fraudulent reporting of CPE is a basis for disciplinary action.

AUTHORITY: section[s] 326.271, RSMo 2016, and section 326.310, RSMo Supp. [2009] 2017. This rule originally filed as 4 CSR 10-4.031. Original rule filed April 5, 2004, effective July 30, 2004. Moved to 20 CSR 2010-4.031, effective Aug. 28, 2006. Amended: Filed Feb. 23, 2010, effective Aug. 30, 2010. Amended: Filed May 20, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Accountancy, PO Box 613, Jefferson City, MO 65102, by facsimile at 573-751-0012 or via email at mosba@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2010—Missouri State Board of Accountancy
Chapter 4—Continuing Education Requirements**

PROPOSED AMENDMENT

20 CSR 2010-4.035 Inactive Licenses. The board is amending section (1), adding sections (2)-(5), renumbering, and amending section (6).

PURPOSE: This amendment updates the requirements and restrictions for an inactive license.

(1) [Inactive License.] A licensee [who received a license after

August 28, 2001, and] who is not practicing public accounting, as defined in section 326.256.1(18), RSMo, in any setting may be granted an inactive license. An inactive licensee [shall place] may use the CPA designation only with the word “inactive,” “retired,” or “ret.” [in association with their certified public accountant title. The inactive licensee shall not perform or offer to perform for the public any public accounting services or professional services, including attest, review, or compilation services or any management advisory, financial advisory, or consulting services or the preparation of tax returns, the furnishing of advice on tax, or any other accounting matters.]

(2) Licensees seeking an inactive license shall apply in writing on the form provided by the board and must submit biennial renewal applications in order to maintain inactive status.

(3) Licensees applying for inactive status shall pay an inactive application fee and a biennial renewal fee as set forth by rule.

(4) Individuals who hold a CPA certificate, and are not practicing public accounting in any form, are not required to hold an inactive license in order to continue to use the CPA designation as set forth in section 326.292, RSMo.

(5) Licensees may allow their license to expire in lieu of an inactive license status. An individual not applying for renewal continues to hold an expired license and may apply for late renewal until the license period ends. At the end of the license period, the individual is deemed to hold a lapsed license. Licensees who hold an expired or lapsed license shall not practice public accounting nor use the CPA designation in any form, as provided by section 326.292, RSMo.

[(2)](6) [The] Individuals who hold a lapsed or inactive [licensee] license may return to active status by applying for reinstatement of license as defined in 20 CSR 2010-2.075.

AUTHORITY: sections 326.262 and 326.286.6, RSMo Supp. [2009] 2017. Original rule filed Feb. 23, 2010, effective Aug. 30, 2010. Amended: Filed May 20, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Accountancy, PO Box 613, Jefferson City, MO 65102, by facsimile at 573-751-0012, or via email at mosba@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PURPOSE: This amendment clarifies the exceptions and waivers of CPE.

(1) Exceptions.

(A) A licensee who [received a license after August 28, 2001, and who] is not practicing public accounting in any setting may be granted an inactive license at the discretion of the board and be exempted from the continuing professional education (CPE) requirements by the board.

(B) The board may [in particular cases] make exceptions to the requirements [set out in 20 CSR 2010-4.010] for CPE for reasons of individual hardship including health, military service, foreign residence, or other good cause.

(C) Applicants or licensees requesting a waiver of CPE requirements shall do so in writing and shall provide documentation supporting the request if required by the board.

AUTHORITY: section 326.271, RSMo [Supp. 2009] 2016. This rule originally filed as 4 CSR 10-4.041. Original rule filed April 5, 2004, effective July 30, 2004. Moved to 20 CSR 2010-4.041, effective Aug. 28, 2006. Amended: Filed Feb. 23, 2010, effective Aug. 30, 2010. Amended: Filed May 20, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Accountancy, PO Box 613, Jefferson City, MO 65102, by facsimile at 573-751-0012 or via email at mosba@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2010—Missouri State Board of Accountancy Chapter 4—Continuing Education Requirements

PROPOSED AMENDMENT

**20 CSR 2010-4.041 Continuing Professional Education (CPE)
Exceptions and Waivers.** The board is amending section (1).

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 10—Shared Leave for Adoptive and Foster
Placement and Care**

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Administration under section 105.271, RSMo 2016, the commissioner rescinds a rule as follows:

1 CSR 10-10.010 ShareLeave for Foster and Adoptive Placement and Care is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2019 (44 MoReg 673). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of
Personnel
Chapter 5—Working Hours, Holidays and Leaves of
Absence**

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under sec-

tion 36.070, RSMo Supp. 2018, the board amends a rule as follows:

1 CSR 20-5.010 Hours of Work and Holidays is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2019 (44 MoReg 673-675). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held April 9, 2019, and the public comment period also ended April 9, 2019. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of
Personnel
Chapter 5—Working Hours, Holidays and Leaves of
Absence**

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the board rescinds a rule as follows:

1 CSR 20-5.015 Definition of Terms is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 15, 2019 (44 MoReg 675). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held April 9, 2019, and the public comment period also ended April 9, 2019. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of
Personnel
Chapter 5—Working Hours, Holidays and Leaves of
Absence**

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the board amends a rule as follows:

1 CSR 20-5.020 Leaves of Absence is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2019 (44 MoReg 675-676). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held April 9, 2019, and the public comment period also ended April 9, 2019. No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 5—Working Hours, Holidays and Leaves of Absence

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the board amends a rule as follows:

1 CSR 20-5.025 ShareLeave is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2019 (44 MoReg 676-678). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held April 9, 2019, and the public comment period also ended April 9, 2019. No comments were received.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.433 is amended.

This rule establishes the special deer harvest restrictions for certain counties and is exempted by sections 536.021, RSMo 2016 from the requirements for filing as a proposed amendment.

The Department of Conservation is amending 3 CSR 10-7.433 by establishing deer hunting seasons, harvest limits, and restrictions.

3 CSR 10-7.433 Deer: Firearms Hunting Season

(1) The firearms deer hunting season is comprised of five (5) portions.

(A) Youth portions: November 2 through 3, 2019, and November 29 through December 1, 2019; for persons at least six (6) but not older than fifteen (15) years of age; use any legal deer hunting method to take one (1) deer statewide during the November 2 through 3, 2019, portion; use any legal deer hunting method to take deer statewide during the November 29 through December 1, 2019, portion.

(B) November portion: November 16 through 26, 2019; use any legal deer hunting method to take deer statewide.

(C) Antlerless portion: December 6 through 8, 2019; use any legal deer hunting method to take antlerless deer in Adair, Audrain, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Howard, Howell, Jackson, Jasper, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lewis, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, McDonald, Mercer, Miller, Moniteau,

Monroe, Montgomery, Morgan, Newton, Oregon, Osage, Ozark, Perry, Pettis, Phelps, Pike, Platte, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Ripley, Saline, Schuyler, Scotland, Shannon, Shelby, St. Charles, St. Clair, St. Francois, St. Louis, Ste. Genevieve, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Webster, Worth, and Wright counties.

(D) Alternative methods portion: December 28, 2019, through January 7, 2020; use muzzleloader and archery methods, crossbows, atlatl, handguns, and air-powered guns as defined in 3 CSR 10-7.431 to take deer statewide.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are exempted from the requirement of filing as a proposed amendment under section 536.021, RSMo 2016.

This amendment was filed May 29, 2019, becomes effective **June 15, 2019**.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.434 is amended.

This rule establishes the special deer harvest restrictions for certain counties and is exempted by sections 536.021, RSMo 2016 from the requirements for filing as a proposed amendment.

The Department of Conservation is amending 3 CSR 10-7.434 by establishing deer harvest limits and restrictions.

3 CSR 10-7.434 Deer: Landowner Privileges

(1) Resident landowners as outlined in the *Fall Deer & Turkey Hunting Regulations and Information* booklet can obtain no-cost deer hunting permits from any permit vendor.

(B) In addition to the permits listed in subsection (1)(A), those with seventy-five (75) or more acres located in a single county or at least seventy-five (75) continuous acres bisected by a county boundary can receive a maximum of two (2) Resident Landowner Firearms Antlerless Deer Hunting Permits. Landowners with at least seventy-five (75) acres in more than one (1) county must comply with landowner antlerless deer limits for each county.

1. Resident landowners of at least seventy-five (75) acres may receive one (1) no-cost Landowner Antlerless Deer Hunting Permits in the counties of: Andrew, Atchison, Butler, Carter, Dent, Douglas, Dunklin, Holt, Iron, Maries, Mississippi, New Madrid, Newton, Nodaway, Pemiscot, Phelps, Reynolds, Scott, Stoddard, Texas, Wayne, and Wright.

2. Resident landowners of at least seventy-five (75) acres may receive two (2) no-cost Landowner Antlerless Deer Hunting Permits in the counties of: Adair, Audrain, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Howard, Howell, Jackson, Jasper, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lewis, Lincoln, Linn, Livingston, Macon, Madison, Marion, McDonald, Mercer, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Ozark,

Perry, Pettis, Pike, Platte, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Ripley, Shannon, St. Charles, St. Clair, St. Francois, St. Louis, Ste. Genevieve, Saline, Schuyler, Scotland, Shelby, Stone, Sullivan, Taney, Vernon, Warren, Washington, Webster, and Worth.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are exempted from the requirement of filing as a proposed amendment under section 536.021, RSMo 2016.

This amendment was filed May 29, 2019, becomes effective **June 15, 2019**.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.435 is amended.

This rule establishes the special deer harvest restrictions for certain counties and is exempted by sections 536.021, RSMo 2016 from the requirements for filing as a proposed amendment.

The Department of Conservation is amending 3 CSR 10-7.435 by establishing deer harvest restrictions

3 CSR 10-7.435 Deer: Special Harvest Provisions

(1) Only antlerless deer and antlered deer with at least one (1) antler having at least four (4) antler points may be taken in the counties of Andrew, Atchison, Audrain, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, the portion of Cass County not included in the Kansas City urban zone, Clark, Clinton, Cole, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Lafayette, Lewis, Lincoln, Livingston, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Nodaway, Osage, Pettis, Phelps, Pike, the portion of Platte County not included in the Kansas City urban zone, Pulaski, Ralls, Randolph, Ray, Saline, Schuyler, Scotland, Shelby, Vernon, and Worth. No other antlered deer may be taken.

(A) An antler point is at least one inch (1") long from base to tip.

(B) The end of the main beam is a point.

(2) These special provisions apply to all deer hunting seasons and permittees, except during the youth portions of the firearms deer hunting season.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are exempted from the requirement of filing as a proposed amendment under section 536.021, RSMo 2016.

This amendment was filed May 29, 2019, becomes effective **June 15, 2019**.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sec-

tions 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.437 is amended.

This rule establishes the special deer harvest restrictions for certain counties and is exempted by sections 536.021, RSMo 2016 from the requirements for filing as a proposed amendment.

The Department of Conservation is amending 3 CSR 10-7.437 by establishing deer harvest limits and restrictions.

**3 CSR 10-7.437 Deer: Antlerless Deer Hunting Permit
Availability**

(2) Firearms Deer Hunting Season.

(A) Resident and Nonresident Firearms Antlerless Deer Hunting Permits are not valid in the counties of: Butler, Carter, Dunklin, Iron, Mississippi, New Madrid, Pemiscot, Reynolds, Scott, Stoddard, and Wayne.

(B) Only one (1) Resident or Nonresident Firearms Antlerless Deer Hunting Permit per person may be filled in the counties of: Andrew, Atchison, Bates, Bollinger, Buchanan, Caldwell, Camden, Cape Girardeau, the portion of Cass County not included in the Kansas City urban zone, Clinton, Daviess, DeKalb, Dent, Douglas, Gentry, Harrison, Henry, Holt, Howard, Jasper, Johnson, Laclede, Lafayette, Lawrence, Lincoln, Madison, Maries, Montgomery, Newton, Nodaway, Pettis, Phelps, the portion of Platte County not included in the Kansas City urban zone, Pulaski, Ray, Ripley, Saline, Shannon, Texas, Vernon, Webster, Worth, and Wright.

(C) Only two (2) Resident or Nonresident Firearms Antlerless Deer Hunting Permits per person may be filled in the counties of: Adair, Audrain, Barry, Barton, Benton, Boone, Callaway, the portion of Cass County included in the Kansas City urban zone, Carroll, Chariton, Christian, Cedar, Clark, Clay, Crawford, Cole, Cooper, Dade, Dallas, Gasconade, Greene, Grundy, Franklin, Hickory, Howell, Jackson, Jefferson, Knox, Lewis, Linn, Livingston, Macon, Marion, McDonald, Mercer, Miller, Moniteau, Monroe, Morgan, Oregon, Osage, Ozark, Perry, Pike, the portion of Platte County included in the Kansas City urban zone, Polk, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby, St. Charles, St. Clair, St. Francois, St. Louis, Ste. Genevieve, Stone, Sullivan, Taney, Warren, and Washington.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are exempted from the requirement of filing as a proposed amendment under section 536.021, RSMo 2016.

This amendment was filed May 29, 2019, becomes effective **June 15, 2019**.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.600 is amended.

This rule establishes general provisions for enrollment in the department's deer management assistance program and for hunting in the program and is exempted by sections 536.021, RSMo 2016 from the

requirements for filing as a proposed amendment.

The Department of Conservation is amending 3 CSR 10-7.600 by establishing deer harvest limits and restrictions.

3 CSR 10-7.600 Deer Management Assistance Program

(1) Landowners with property located in Audrain, Bollinger, Callaway, Cape Girardeau, Montgomery, Stoddard, and Wayne counties may enroll property in the department-sponsored deer management assistance program in accordance with the following:

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are exempted from the requirement of filing as a proposed amendment under section 536.021, RSMo 2016.

This amendment was filed May 29, 2019, becomes effective **June 15, 2019**.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 20—Division of Learning Services Chapter 100—Office of Quality Schools

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and section 161.670, RSMo Supp. 2018, the board amends a rule as follows:

5 CSR 20-100.230 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2019 (44 MoReg 678-679). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received nine (9) comments on the proposed amendment.

COMMENT #1: David Veit, Chief Technology Officer; Steve Siegler, Deputy CIO for Operations; and Stephen Meyer, Acting CISO for State of Missouri – Office of Administration – Information Technology Division, suggests the following change for section: [(6)](4) [Multiple Providers] General Requirements. Replace the following: “and secure data standards by the Missouri Office of Administration’s Cyber Security Office” with “and agreeing to all mandatory contractual terms specified within the request for proposal, and agreeing to acceptable contractual terms for all negotiable contractual items within the request for proposal.”

RESPONSE AND EXPLANATION OF CHANGE: The Department of Elementary and Secondary Education (department) agrees with the substance of this comment and will amend section (4).

COMMENT #2: David Veit, Chief Technology Officer; Steve Siegler, Deputy CIO for Operations; and Stephen Meyer, Acting CISO for State of Missouri – Office of Administration – Information Technology Division, suggests deleting section (6) Learning Management System. All learning management systems must be deemed low-risk by the Missouri Office of Administration’s Cyber Security Office.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with this comment and will remove section (6), renumbering the rest of the rule accordingly. Third-party security “rating” services provide a point in time evaluation which may or may not reflect

the ongoing security posture of the solution.

COMMENT #3: Dr. John Jungmann, Superintendent, Springfield Public Schools, suggests section (2) language return to the “best educational interest” and remove “based on academic prerequisites and each student’s age and academic readiness” from the rule.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with this comment and will amend section (2).

COMMENT #4: Dr. John Jungmann, Superintendent, Springfield Public Schools, suggests section (4) to define “vendor” as a term reserved for non-district providers.

RESPONSE: No changes have been made to this rule as a result of this comment. Section 161.670.12, RSMo specifies that “No content provider shall be allowed that is unwilling to accept payments in the amount and manner as described under subdivision (3) of subsection (3) of this section ”

COMMENT #5: Zeke Rash, Director of State and Strategic Client Relations for Connections Academy, suggests the rule allow for full-time enrollment with the virtual providers and not be enrolled in the district.

RESPONSE: No changes have been made to this rule as a result of this comment. Section 161.670.2, RSMo states that students enrolled in the Missouri Course Access and Virtual School Program (MOCAP) shall be included in the student enrollment of the school district in which the student physically is enrolled. Section 161.670.3(2), RSMo states that local education agencies adopt an enrollment policy for MOCAP courses that is substantially similar to the typical process by which a district student would enroll in courses offered by the local education agency. Section 161.670.3(1)(b), RSMo states that a student must receive approval from the local education agency prior to enrolling.

COMMENT #6: Zeke Rash, Director of State and Strategic Client Relations for Connections Academy, suggests that full-time approved virtual school programs should be allowed to operate as independent local education agencies and enrollment should be open to all K-12 Missouri students.

RESPONSE: No changes have been made to this rule as a result of this comment. Missouri statute does not provide for virtual schools to act as local education agencies.

COMMENT #7: David D. Baker, Director with Missouri Assistive Technology (MO-AT), suggests that the rule clarify what responsibility MOCAP vendors have for implementing modifications/accommodations and stipulated in a student’s Individualized Education Program (IEP) or 504 Plan.

RESPONSE: No changes have been made to this rule as a result of this comment. Federal law requires the local education agency to implement modifications and accommodations as well as other requirements as written in an IEP and as required by the IDEA and sections 162.670 to 162.999, RSMo. In addition, vendors agree per the state MOCAP RFP to comply with all state and federal laws.

COMMENT #8: Steven Beldin, Director of Innovation and Learning, Missouri Council of Administrators of Special Education (MO-CASE), is concerned that removing all references to students with disabilities in the proposed amended regulation and providing no guidance at all on how to ensure compliance with IDEA/Section 504/ADA as applicable to MOCAP may impede access for students with disabilities, and leave districts vulnerable to complaints and litigation. Mr. Beldin advocates that the issues of who is legally obligated to provide accommodations and modifications and who is legally obligated to provide assistive technology need to be addressed in the amended regulation.

RESPONSE: No changes have been made to this rule as a result of this comment. Federal law requires the local education agency to

implement modifications and accommodations as well as other requirements as written in an IEP and as required by the IDEA and sections 162.670 to 162.999, RSMo. In addition, vendors agree per the state MOCAP RFP to comply with all state and federal laws.

COMMENT #9: The National Coalition of Public School Options, Missouri Chapter (PSO), Missouri Education Reform Council (MERC), and The Children's Education Alliance of Missouri (CEAM) submitted a new draft of the order of rulemaking as its comment.

RESPONSE: No changes have been made to this rule as a result of this comment as it exceeds the scope of the notice and comment process.

5 CSR 20-100.230 Virtual Instruction Program

(2) Access. School officials will advise students who are considering MOCAP courses about whether those courses are in the best educational interest of that child.

(4) General Requirements. If more than one (1) vendor is determined to be in compliance with the provisions of section 161.670, RSMo, the requirements of this rule, to meet qualifications of the MOCAP Qualified Vendor List, to be responsive to the request for proposal issued by the Department of Elementary and Secondary Education (department) by meeting the minimum standards for course alignment of Missouri State Learning Standards, web accessibility for students with disabilities, agreeing to all mandatory contractual terms specified within the request for proposal, agreeing to acceptable contractual terms for all negotiable contractual items within the request for proposal, and 162.1250, RSMo, the department shall ensure that multiple content providers are allowed.

(6) Transfer. When a student transfers to another local education agency, the MOCAP credit and enrollment(s) will also be transferred to the new local education agency without interruption. This transfer provision applies equally to any transfer, including those associated with treatment facilities.

(7) Reporting. The following are requirements for reporting MOCAP coursework.

(A) Local Education Agencies will report MOCAP courses using the appropriate delivery system codes specified by the department.

(B) Courseware providers will transmit reports to the department in a manner and format and on a timeline specified by the department.

(C) All courses offered by MOCAP must use course numbers established by the department.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 20—Division of Learning Services Chapter 400—Office of Educator Quality

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 168.011, 168.071, 168.081, and 168.400, RSMo 2016, and section 168.021, RSMo Supp. 2018, the board rescinds a rule as follows:

5 CSR 20-400.250 Certificate of License to Teach Content Areas is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2019 (44 MoReg 774). No changes have been made in the proposed rescission, so it is

not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 20—Division of Learning Services Chapter 400—Office of Educator Quality

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 168.011, 168.071, 168.081, 168.400, 168.405, and 168.409, RSMo 2016, and section 168.021, RSMo Supp. 2018, the board rescinds a rule as follows:

5 CSR 20-400.280 Required Assessments for Professional Education Certification in Missouri is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2019 (44 MoReg 774). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 20—Division of Learning Services Chapter 400—Office of Educator Quality

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, 168.011, 168.071, 168.081, 168.400, 168.405, and 168.409, RSMo 2016, and section 168.021, RSMo Supp. 2018, the board amends a rule as follows:

5 CSR 20-400.540 Certification Requirements for Teacher of Secondary Education (Grades 9–12) is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 15, 2019 (44 MoReg 679-681). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 10—Director, Department of Mental Health Chapter 5—General Program Procedures

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental Health under sections 630.192, and 630.193 to 630.198, RSMo 2016, Department of Mental Health amends a rule as follows:

9 CSR 10-5.190 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 779-781). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Mental Health received one (1) comment on the proposed amendment.

COMMENT: Debbie McBaine, with the Department of Mental Health, requested "or developmental" be added to language in (2)(B).

RESPONSE: The staff concurs and has inserted the suggested language "or developmental" in subsection (2)(B).

9 CSR 10-5.190 Background Screening Requirements

(2) For the purposes of this rule, public or private facilities, community residential facilities, day programs, and specialized services (agencies) are divided into two (2) categories, as follows:

(B) Category II. Agencies that have a license or certificate from another state agency. Specifically, this category includes agencies licensed by the Children's Division or the Department of Health and Senior Services; also included are intermediate care facilities/for individuals with intellectual or developmental disabilities (ICF/IDD). Agencies included in Category II are subject to rules regarding criminal record review as promulgated by the state agency that licenses or certifies them and are not subject to sections (4) through (7) of this rule, however, all other sections of this rule apply.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 30—Certification Standards Chapter 3—Substance Use Disorder Treatment Programs

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental Health under sections 630.192, and 630.193 to 630.198, RSMo 2016, Department of Mental Health amends a rule as follows:

9 CSR 30-3.230 Required Educational Assessment and Community Treatment Program (REACT) is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 781-784). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 45—Division of Developmental Disabilities Chapter 3—Services and Supports

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental Health under sections 630.192, and 630.193 to 630.198, RSMo 2016, Department of Mental Health amends a rule as follows:

9 CSR 45-3.010 Individual Support Plans is amended.

A notice of proposed rulemaking containing the text of the proposed

amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 784-787). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 50—Missouri State Highway Patrol Chapter 3—Aids to Navigation and Regulatory Markers

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 306.124, RSMo 2016, and section 306.125, RSMo Supp. 2018, the superintendent amends a rule as follows:

11 CSR 50-3.010 Aids to Navigation and Regulatory Markers is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2019 (44 MoReg 917-919). No changes have been made in the text of the proposed amendment, so it is not reprinted here. However, the name of the chapter has been changed. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri State Highway Patrol's Water Patrol Division received one (1) staff comment and eleven (11) comments from the public on the proposed amendment for a total of twelve (12) comments. Comments 2 through 12 are primarily in regard to 11 CSR 50-3.010(3)(O).

COMMENT #1: The Patrol staff observed an error in the chapter title. The chapter title should not have changed. Chapter 3 should be titled "Aids to Navigation and Regulatory Markers." This would not require a change to the text of the rule.

RESPONSE AND EXPLANATION OF CHANGE: The Patrol staff recommends changing the Chapter 3 title as indicated.

COMMENT #2: Phil and Sue Finck are concerned about unsafe boat wakes in their cove at Lake of the Ozarks. They believe the new rule restricting vessels forty feet (40') or longer in designated coves would help, but they would rather see all boats thirty feet (30') or longer to be restricted to idle speed within their cove at Lake of the Ozarks.

RESPONSE: The current statute specifies vessels forty feet (40') or longer would be restricted by this rule. No changes have been made to the amendment as a result of this comment.

COMMENT #3: Dianne and Frank Lovan are concerned with the increase in boat traffic within their cove at Lake of the Ozarks. They feel the large boat wakes create unsafe conditions within their cove along with erosion. They want all boats thirty feet (30') or longer to be restricted to idle speed within their cove.

RESPONSE: The current statute specifies vessels forty feet (40') or longer would be restricted by this rule. No changes have been made to the amendment as a result of this comment.

COMMENT #4: David and Maureen Gray are concerned with shoreline erosion, dock damage, and generally unsafe conditions due to large boat wakes within their cove at Lake of the Ozarks. They are in favor of approving the rule proposal. They would prefer boats thirty feet (30') or longer be restricted to idle speed in coves, but are supportive of the new rule restricting vessels forty feet (40') or

longer for designated coves.

RESPONSE: The current statute specifies vessels forty feet (40') or longer would be restricted by this rule. No changes have been made to the amendment as a result of this comment.

COMMENT #5: Deborah Yantis is concerned with dangerous boat wakes damaging her dock and potentially endangering swimmers at their dock within her cove at Lake of the Ozarks. She wants all boats thirty feet (30') or longer to be restricted to idle speed within their cove.

RESPONSE: The current statute specifies vessels forty feet (40') or longer would be restricted by this amendment. No changes have been made to the amendment as a result of this comment.

COMMENT #6: Kathy Chalupka is appreciative of the proposed amendment to restrict vessels forty feet (40') or longer in designated coves and supports approval of the rule.

RESPONSE: No changes have been made to the amendment as a result of this comment.

COMMENT #7: Bill and Mickey Deuser would like all boats thirty feet (30') or longer to be restricted to idle speed within their cove at Lake of the Ozarks.

RESPONSE: The current statute specifies vessels forty feet (40') or longer would be restricted by this rule. No changes have been made to the amendment as a result of this comment.

COMMENT #8: Denise Sharisin is in favor of this rule due to the large wake issues within her cove at Lake of the Ozarks.

RESPONSE: No changes have been made to the amendment as a result of this comment.

COMMENT #9: Eric West is in favor of this rule. He would support stricter regulations in order to improve safety and protect private docks.

RESPONSE: No changes have been made to the amendment as a result of this comment.

COMMENT #10: Gregg and Jeanne Scott are in favor of the rule due to large waves in their cove at Lake of the Ozarks.

RESPONSE: No changes have been made to the amendment as a result of this comment.

COMMENT #11: Don Paule wants his cove to be no wake for cruisers. He did not specifically indicate whether he supports the proposed rule language.

RESPONSE: No changes have been made to the amendment as a result of this comment.

COMMENT #12: Gary Robinson wants a rule to be created to alleviate the large wake problem in his cove at Lake of the Ozarks. He did not specifically indicate whether he supports the proposed rule language.

RESPONSE: No changes have been made to the amendment as a result of this comment.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 4—Mandatory Boater Safety Education
Program**

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 306.129, RSMo 2016, the superintendent amends a rule as follows:

**11 CSR 50-4.010 Mandatory Boater Safety Education Program
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2019 (44 MoReg 920-921). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 5—Diver's Flag Regulations**

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 306.217, RSMo 2016, the superintendent amends a rule as follows:

11 CSR 50-5.010 Diver's Flag is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2019 (44 MoReg 915-916). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 6—Skiing Standards**

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 306.120, RSMo 2016, the superintendent amends a rule as follows:

11 CSR 50-6.010 Ski Mirror is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2019 (44 MoReg 916). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 7—Vessel Identification Number and Expiration
Sticker Placement**

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 306.030, RSMo Supp. 2018, the superintendent amends a rule as follows:

11 CSR 50-7.010 Display of Identification Numbers is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2019 (44 MoReg 916-917). No changes have been made in the text of the proposed amendment, so it is not reprinted here. However, the name of the chapter has been changed. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri State Highway Patrol's Water Patrol Division received no public comments. There is one (1) staff comment.

COMMENT #1: The Patrol staff observed an error on the chapter titles for 11 CSR 50-7.010 and 11 CSR 50-7.020. The correct chapter title for Chapter 7 should be "Vessel Identification Number and Expiration Sticker Placement."

RESPONSE AND EXPLANATION OF CHANGE: The Patrol staff recommends revising the chapter title as indicated.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 7—Vessel Identification Number and Expiration
Sticker Placement**

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 306.030, RSMo Supp. 2018, the superintendent amends a rule as follows:

**11 CSR 50-7.020 Display of Expiration (Renewal) Stickers
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2019 (44 MoReg 920). No changes have been made in the text of the proposed amendment, so it is not reprinted here. However, the name of the chapter has been changed. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri State Highway Patrol's Water Patrol Division received no public comments. There is one (1) staff comment.

COMMENT #1: The Patrol staff observed an error on the chapter titles for 11 CSR 50-7.010 and 11 CSR 50-7.020. The correct chapter title for Chapter 7 should be "Vessel Identification Number and Expiration Sticker Placement."

RESPONSE AND EXPLANATION OF CHANGE: The Patrol staff recommends revising the chapter title as indicated.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 80—Missouri State Water Patrol
Chapter 1—General Organization**

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 536.023, RSMo 2016, the superintendent rescinds a rule as follows:

**11 CSR 80-1.010 Organization and Methods of Operation
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 15, 2019 (44 MoReg 915). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 80—Missouri State Water Patrol
Chapter 3—Skiing Standards**

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 306.124, RSMo 2016, the superintendent rescinds a rule as follows:

11 CSR 80-3.020 Ski Jump is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 15, 2019 (44 MoReg 916). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 80—Missouri State Water Patrol
Chapter 6—Boating Accident Reports**

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 306.140, RSMo 2016, the superintendent rescinds a rule as follows:

11 CSR 80-6.010 Reporting Requirements is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 15, 2019 (44 MoReg 919-920). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 80—Missouri State Water Patrol
Chapter 8—Water Event Permit**

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 306.130, RSMo 2016, the superintendent rescinds a rule as follows:

**11 CSR 80-8.010 Reporting a Cancellation or Change in Permit
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission

was published in the *Missouri Register* on March 15, 2019 (44 MoReg 920). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 80—Missouri State Water Patrol
Chapter 9—Mandatory Boater Safety Education
Program**

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 306.127, RSMo 2016, the superintendent rescinds a rule as follows:

11 CSR 80-9.020 Temporary Nonresident Rental Vessel Operator Permits **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 15, 2019 (44 MoReg 921). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.065, RSMo 2016, the director adopts a rule as follows:

12 CSR 10-24.405 Proof of State of Domicile Requirements for Commercial Driver License Applicants **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2019 (44 MoReg 789). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 10—Division of Finance and Administrative
Services
Chapter 3—Tax Credits**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Division of Finance and Administrative Services under section 135.621, RSMo Supp. 2018, and section 660.017, RSMo 2016, the division adopts a rule as follows:

13 CSR 10-3.060 Diaper Bank Tax Credit **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2019 (44 MoReg 789-791). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 10—Division of Finance and Administrative
Services
Chapter 3—Tax Credits**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Division of Finance and Administrative Services under section 135.1125, RSMo Supp. 2018, and section 660.017, RSMo 2016, the division adopts a rule as follows:

13 CSR 10-3.070 Unmet Health, Hunger, and Hygiene Needs of Children In School Tax Credit **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2019 (44 MoReg 791-792). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 1—General Organization and Procedures**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office amends a rule as follows:

20 CSR 2040-1.021 Definitions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 820-821). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 3—Ticket Procedures**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office amends a rule as follows:

20 CSR 2040-3.011 Tickets and Taxes is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 821). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION****Division 2040—Office of Athletics
Chapter 3—Ticket Procedures****ORDER OF RULEMAKING**

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office rescinds a rule as follows:

**20 CSR 2040-3.030 Approval of Nationally Recognized Amateur
Sanctioning Bodies is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2019 (44 MoReg 822). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION****Division 2040—Office of Athletics
Chapter 4—Licensees and Their Responsibilities****ORDER OF RULEMAKING**

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office amends a rule as follows:

20 CSR 2040-4.015 Promoters is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 822-824). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION****Division 2040—Office of Athletics
Chapter 4—Licensees and Their Responsibilities****ORDER OF RULEMAKING**

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office amends a rule as follows:

20 CSR 2040-4.020 Matchmakers is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 825). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION****Division 2040—Office of Athletics
Chapter 4—Licensees and Their Responsibilities****ORDER OF RULEMAKING**

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office amends a rule as follows:

20 CSR 2040-4.030 Referees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 825-826). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION****Division 2040—Office of Athletics
Chapter 4—Licensees and Their Responsibilities****ORDER OF RULEMAKING**

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office amends a rule as follows:

20 CSR 2040-4.040 Physicians is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 826). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION****Division 2040—Office of Athletics
Chapter 4—Licensees and Their Responsibilities****ORDER OF RULEMAKING**

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office amends a rule as follows:

20 CSR 2040-4.050 Timekeepers is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 826-827). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office rescinds a rule as follows:

20 CSR 2040-4.060 Announcers is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2019 (44 MoReg 827). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office amends a rule as follows:

20 CSR 2040-4.070 Seconds is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 827). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office amends a rule as follows:

20 CSR 2040-4.080 Judges is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 827-828). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office amends a rule as follows:

20 CSR 2040-4.090 Contestants is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 828-831). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office adopts a rule as follows:

20 CSR 2040-4.100 Inspectors is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2019 (44 MoReg 832). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 5—Rules for Professional Boxing, Professional
Wrestling, Professional and Amateur Kickboxing, and
Professional Full-Contact Karate**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section

317.006, RSMo Supp. 2018, the office rescinds a rule as follows:

20 CSR 2040-5.010 Inspectors is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2019 (44 MoReg 832). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2040—Office of Athletics
Chapter 5—Rules for Professional Boxing, Professional
Wrestling, Professional and Amateur Kickboxing, and
Professional Full-Contact Karate**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office amends a rule as follows:

20 CSR 2040-5.040 Rules for Professional Boxing is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 832-833). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2040—Office of Athletics
Chapter 5—Rules for Professional Boxing, Professional
Wrestling, Professional and Amateur Kickboxing, and
Professional Full-Contact Karate**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office amends a rule as follows:

**20 CSR 2040-5.060 Rules for Professional and Amateur
Kickboxing and Professional Full-Contact Karate is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 833-836). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2040—Office of Athletics
Chapter 5—Rules for Professional Boxing, Professional
Wrestling, Professional and Amateur Kickboxing, and
Professional Full-Contact Karate**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office amends a rule as follows:

20 CSR 2040-5.070 Fouls is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 840-841). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2040—Office of Athletics
Chapter 6—Facilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office amends a rule as follows:

**20 CSR 2040-6.010 Facility and Equipment Requirements
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 837). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2040—Office of Athletics
Chapter 7—Disciplinary and Appeals Procedures**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office amends a rule as follows:

**20 CSR 2040-7.010 Disciplinary and Appeals Procedures
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 837-838). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the

Code of State Regulations.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office rescinds a rule as follows:

20 CSR 2040-8.010 Definitions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2019 (44 MoReg 838). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office rescinds a rule as follows:

20 CSR 2040-8.040 Tickets and Taxes is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2019 (44 MoReg 838). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office rescinds a rule as follows:

20 CSR 2040-8.050 Contestants is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2019 (44 MoReg 838). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office rescinds a rule as follows:

20 CSR 2040-8.060 Inspectors is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2019 (44 MoReg 838-839). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office rescinds a rule as follows:

20 CSR 2040-8.070 Judges is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2019 (44 MoReg 839). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office rescinds a rule as follows:

20 CSR 2040-8.080 Matchmakers is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2019 (44 MoReg 839). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office rescinds a rule as follows:

20 CSR 2040-8.090 Physicians is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2019 (44 MoReg 839). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office rescinds a rule as follows:

20 CSR 2040-8.100 Promoters is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2019 (44 MoReg 839-840). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office rescinds a rule as follows:

20 CSR 2040-8.110 Referees is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2019 (44 MoReg 840). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office rescinds a rule as follows:

20 CSR 2040-8.120 Seconds is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2019 (44 MoReg 840). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office rescinds a rule as follows:

20 CSR 2040-8.130 Timekeepers is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2019 (44 MoReg 840). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office amends a rule as follows:

20 CSR 2040-8.160 Attire and Equipment is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 841-842). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office amends a rule as follows:

20 CSR 2040-8.170 Weigh-Ins is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 842). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office amends a rule as follows:

20 CSR 2040-8.180 Rules for Bouts/Contests is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 842). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2040—Office of Athletics
Chapter 8—Mixed Martial Arts**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office rescinds a rule as follows:

**20 CSR 2040-8.190 Facility and Equipment Requirements
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2019 (44 MoReg 842). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2200—State Board of Nursing
Chapter 4—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2018, the board amends a rule as follows:

20 CSR 2200-4.010 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2019 (44 MoReg 843-845). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received eighteen (18) comments on the proposed amendment.

COMMENT #1: Kimberly Shackelford, Director of Nursing Education at Three Rivers College in Poplar Bluff, Missouri commented that she supports the rule change as it will lower the cost of fees for their nursing program and help students financially to obtain their goal of becoming a nurse.

RESPONSE: The board appreciates the comment.

COMMENT #2: Rachel Wells, Administrative Director of Nursing with Cox Health commented that she supports and it may bring nurses to Missouri.

RESPONSE: The board appreciates the comment.

COMMENT #3: V. Parsell, Rolla Practical Nursing Program Director commented that she believes waiving the application fee is an excellent idea to help alleviate the financial stress students feel near the end of the year and thanked the board for consideration of easing the financial strain for students.

RESPONSE: The board appreciates the comment.

COMMENT #4: Teri A. Murray, Dean and Professor, Saint Louis University School of Nursing commented that this is wonderful news.

RESPONSE: The board appreciates the comment.

COMMENT #5: Larissa Brown, Practical Nursing Coordinator, Poplar Bluff Campus, Three Rivers College commented that she thinks this is a great idea.

RESPONSE: The board appreciates the comment.

COMMENT #6: Cindy Leveridge-Gregory, Administrative Assistant, Undergraduate Program, Graceland University, Independence, Missouri commented that she has been working for Graceland School of Nursing for the last 16 years. She is the Administrative Assistant who helps the Graceland BSN-RN nursing students right before graduation by conducting a session to ensure they correctly complete their initial RN licensure forms. Over the years, many of the students indicate they must wait until they have the money to pay the \$45.00 licensure fee before they can file their completed application forms. Eliminating the fee, could have a great effect on how license application forms are filed in the future and could create an increase in processing efficiencies due to students not having to wait for the money to pay the licensure fee when submitting their RN application forms. Registered Nurses make a good living and she thinks any loss in revenue to the state caused by eliminating the initial license fee, could be made up later by increasing a subsequent renewal fee, and explaining

it at such to the practicing Missouri RN population.

RESPONSE: The board appreciates the comment.

COMMENT #7: Amy Townsend, Chair of Undergraduate Nursing, Cox College commented that she supports this change. She knows that for many of their students, the fee is a very real hardship in their final semester of school. It is a wonderful thing that our board is so supportive of our students. She appreciates all the hard work of the board and professional staff.

RESPONSE: The board appreciates the comment.

COMMENT #8: Dr. Janice Williams, College of the Ozarks Program Director commented that she supports, and believes it will assist new graduates at the beginning of their career and thanked the board for forward thinking.

RESPONSE: The board appreciates the comment.

COMMENT #9: Susan Gale, Practical Nursing Coordinator, Moberly Area Community College, Mexico, MO commented that she thinks this is a great idea and fully supports it.

RESPONSE: The board appreciates the comment.

COMMENT #10: Katie Bozarth, Practical Nursing Coordinator, Franklin Technology Center, Joplin, MO commented that as a practical nursing coordinator, she is 100% in favor of eliminating the application fee for first-time applicants. Many of her students are non-traditional and they are working to pay for school to better themselves and their families. Upon graduation, they incur what may be a significant amount of expenses to them to become licensed. If this change will not significantly impact the Missouri Board of Nursing in a negative way then let's show this nation that nurses actually support their young and enact this change! The Missouri Board of Nursing could lead the way to impact the future of nursing in a positive light.

RESPONSE: The board appreciates the comment.

COMMENT #11: Julia A. Campbell, Nurse Educator, Lutheran School of Nursing, commented that this is a great support to our new nurses.

RESPONSE: The board appreciates the comment.

COMMENT #12: Karin K. Roberts, Professor, Research College of Nursing, Kansas City, Missouri commented that she is impressed that the state would consider this. Their students graduate with such debt, this little effort on the part of the Missouri Board of Nursing would be a huge benefit to new graduates; let Missouri be the first of many states to pass this type of legislation.

RESPONSE: The board appreciates the comment.

COMMENT #13: Korynn Skipper, Director of Practical Nursing Programs, North Central Missouri College, Trenton, Missouri thanked the board for the proposed amendment to eliminate the application fee for first-time nursing applicants.

RESPONSE: The board appreciates the comment.

COMMENT #14: Jamie Parks, Assistant Professor, Interim Simulation Center Manager, Kansas City, Missouri, wrote in support of the proposed legislation to waive the initial licensure fee for Missouri new graduate nurses. As a nursing educator, she can tell that many of their students struggle with financial hardship, as most have had to reduce their working hours while in a vigorous nursing program. Any reduction of cost would be appreciated at this point in their careers, and she agrees with the sentiments that this fee reduction could make Missouri nursing initially more attractive than nursing in another state, especially with two of our major metropolitan areas at state borders.

RESPONSE: The board appreciates the comment.

COMMENT #15: Pamela Gardner, Assistant Professor of Nursing, Saint Luke's College, Kansas City, Missouri supports the proposal to waive the registration fee for new graduates.

RESPONSE: The board appreciates the comment.

COMMENT #16: Andy Bayne, Assistant Professor, Saint Luke's College, Kansas City, Missouri supports the rule eliminating the RN and LPN application fee for those applying to take the exam for the first time.

RESPONSE: The board appreciates the comment.

COMMENT #17: Leesa McBroom, Chair, Department of Nursing, William Jewell College commented that this is a student-centered approach and much appreciated.

RESPONSE: The board appreciates the comment.

COMMENT #18: Corinne Fessenden, a Registered Nurse, commented that she is concerned the fee elimination could de-value the license and believe most new graduates have a job and could pay the fee.

RESPONSE: The board appreciates the comment. The proposal is to only waive the first-time examination application fee. Once licensed, a nurse will still be required to pay a renewal fee when the license is renewed every two-years. The board agrees that many graduates have jobs after graduation but many also have education debts. No changes have been made to the rule as a result of this comment.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2245—Real Estate Appraisers Chapter 6—Educational Requirements

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under section 339.517, RSMo 2016, the commission rescinds a rule as follows:

20 CSR 2245-6.015 Examination and Education Requirements is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 15, 2019 (44 MoReg 951). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2245—Real Estate Appraisers Chapter 6—Educational Requirements

ORDER OF RULEMAKING

By the authority vested in the Real Estate Appraisers Commission under section 339.509, RSMo 2016, the commission adopts a rule as follows:

20 CSR 2245-6.017 AQB 2018 Licensure Criteria is adopted.

A notice of proposed rulemaking containing the text of the proposed

rule was published in the *Missouri Register* on March 15, 2019 (44 MoReg 951-955). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2263—State Committee for Social Workers
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under section 337.627, RSMo Supp. 2018, the committee amends a rule as follows:

20 CSR 2263-1.010 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2019 (44 MoReg 956). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2263—State Committee for Social Workers
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under section 337.627, RSMo Supp. 2018, the committee amends a rule as follows:

**20 CSR 2263-1.016 Policy for Handling Release of Public Records
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2019 (44 MoReg 956). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2263—State Committee for Social Workers
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under section 337.627, RSMo Supp. 2018, the committee amends a

rule as follows:

**20 CSR 2263-1.025 Complaint Handling and Disposition
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2019 (44 MoReg 956-957). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the CON application listed below. A decision is tentatively scheduled for July 22, 2019. This application is available for public inspection at the address shown below.

Date Filed

Project Number: Project Name
City (County)
Cost, Description

06/10/2019

#5699 HT: Missouri Baptist Medical Center
St. Louis (St. Louis County)
\$1,244,330, Replace angiography suite

Any person wishing to request a public hearing for the purpose of commenting on this application must submit a written request to this effect, which must be received by July 11, 2019. All written requests and comments should be sent to—

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
PO Box 570
Jefferson City, MO 65102
For additional information contact Alison Dorge at
alison.dorge@health.mo.gov.

Notice of Periodic Rule Review

The General Assembly has instituted an ongoing five- (5-) year rolling review of existing rules that will begin July 1, 2018, as set forth in section 536.175, RSMo. The following entities will begin this process for rules promulgated within their designated Title of the *Code of State Regulations* with a sixty- (60-) day public comment period. The *Code of State Regulations* may be viewed at <http://www.sos.mo.gov/adrules/csr/csr.asp>

Titles Reviewed Beginning July 1, 2019:

Title 20 – Department of Insurance, Financial Institutions and Professional Registration
Title 22 – Missouri Consolidated Health Care Plan

The Public Comment Process: Entities with rules in Titles 20-22 of the *Code of State Regulations* may receive comments from the public for any rule within these titles.

- Comments must be received within sixty (60) days of July 1, 2019. (August 31, 2019)
- Comments must identify the commenter.
- Comments must identify the specific rule commented upon.
- Comments must be directly associated with a specified rule.
- Comments must be submitted to the following agency designee:

Title 20 Department of Insurance, Financial Institutions and Professional Registration

- Rich Lamb
Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, PO Box 690
Jefferson City, MO 65102-0690
Rich.lamb@difp.mo.gov

Title 22—Missouri Consolidated Health Care Plan

- Judith Muck, Executive Director
Missouri Consolidated Health Care Plan
PO Box 104355
Jefferson City, MO 65110
Judith.muck@mchcp.org

The Report: The agency will prepare a report containing the results of the review which will include: whether the rule continues to be necessary; whether the rule is obsolete; whether the rule overlaps, duplicates, or conflicts with other rules; whether a less restrictive or more narrowly tailored rule is appropriate; whether the rule needs amendment or rescission; whether incorporated by reference materials are proper; and whether rules affecting small business are still relevant. The report will also contain an appendix with the nature of the comments the department has received on the rules and the agency responses to the comments.

Report Deadline: The report must be filed with the Joint Committee on Administrative Rules by **June 30, 2020**. Any rule not included in the report may become null and void. However, there is an extensive process, including multiple opportunities to correct the deficiency, in place before nullification of the rule. Such opportunities include the ability of the agency to request an extension from the Joint Committee on Administrative Rules, as well as notification to the agency and opportunity to correct the delinquency.

Questions: If you have further questions about the process, please contact Waylene Hiles, Joint Committee on Administrative Rules, 573-751-2443 or waylene.hiles@senate.mo.gov.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2016, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to adrules.dissolutions@sos.mo.gov.

NOTICE OF WINDING UP
FOR LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF
AND CLAIMANTS AGAINST
CJC CAPITAL INVESTMENTS, LLC

On May 14, 2019, CJC CAPITAL INVESTMENTS, LLC, a Missouri limited liability company, filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Persons with claims against the limited liability company should present them in accordance with the Notice of Winding Up. You must furnish your name, address and telephone number together with the following: (i) Amount of the claim; (ii) Basis for the claim; and (iii) Documentation of the claim.

Claims must be mailed to: Jayne D. Corley, The Corley Law Firm, P.C., 999 Executive Parkway Drive, Suite 104, St. Louis, Missouri 63141.

A claim against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS
AGAINST RECYCLED RUBBER ASPHALT PRODUCTS, LLC,
a Missouri Limited Liability Company.

On April 19, 2019, Recycled Rubber Asphalt Products, LLC, a Missouri limited liability company, filed a notice of winding up with the Missouri Secretary of State. Dissolution was effective on April 18, 2018.

Said company requests that all persons and organizations who have claims against it present them immediately by letter to the company c/o Jeff Davison, 700 S Riverside Road, Suite 200, St. Joseph, Missouri, 64507.

All claims must include:

- 1) The name and address of the claimant;
- 2) The amount claimed;
- 3) The basis for the claim; and
- 4) The date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of Recycled Rubber Asphalt Products, LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date of the notices authorized by statute, whichever is published last.

**NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST
PSALM 27 LLC**

On May 24, 2019, Psalm 27 LLC, a Missouri limited liability company, Charter Number LC001456638, filed its Notice of Winding Up with the Missouri Secretary of State, effective as of the filing date.

All persons or organizations having claims against Psalm 27 LLC are required to present them immediately in writing to: Kirkland Woods & Martinsen LLP, Attn: Emily J. Kembell, 3230 E. Ridgeview St., Springfield, MO 65804.

Each claim must include: (1) claimant's name and current address; (2) the amount claimed; (3) the date the claim was incurred; and (4) a clear and concise statement of the facts supporting the claim.

NOTE: CLAIMS AGAINST PSALM 27 LLC, WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE (3) YEARS AFTER THE PUBLICATION OF THIS NOTICE.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST B. MILLS DEVELOPMENT, L.L.C. (THE "COMPANY")

On May 29, 2019, the Company filed Articles of Termination with the Missouri Secretary of State. Claims against the Company may be mailed via U.S. mail, postage pre-paid, addressed to c/o Mills Properties, Inc., 2650 S. Hanley Rd., Suite 200, St. Louis, MO 63144. All claims must be presented in writing and must contain: (a) the name and address of the claimant, (b) the total amount claimed, (c) the itemization and basis for the claim, (d) the date(s) on which the event(s) on which the claim is based occurred, and (e) any documentation of the claim. Any claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST BMD PHASE II APARTMENTS, LLC (THE "COMPANY")

On May 29, 2019, the Company filed Articles of Termination with the Missouri Secretary of State. Claims against the Company may be mailed via U.S. mail, postage pre-paid, addressed to c/o Mills Properties, Inc., 2650 S. Hanley Rd., Suite 200, St. Louis, MO 63144. All claims must be presented in writing and must contain: (a) the name and address of the claimant, (b) the total amount claimed, (c) the itemization and basis for the claim, (d) the date(s) on which the event(s) on which the claim is based occurred, and (e) any documentation of the claim. Any claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

Notice of Winding Up to All Creditors of and Claimants Against Newcastle Financial LLC

Newcastle Financial LLC, a Missouri limited liability company (the "Company"), filed a Notice of Winding Up with the Missouri Secretary of State Office, Corporations Division on May 28, 2019. Pursuant to Section 347.141 of the Missouri Limited Liability Company Act, persons with claims against the Company should present them in accordance with such Notice of Winding Up. In order to file a claim with the Company, you must first furnish the (i) name and address of claimant; (ii) amount of the claim; (iii) date in which the claim arose; (iv) basis for the claim; and (v) documentation of the claim. Claims must be mailed to Matthew Fillo, 16600 Swingley Ridge Road, Chesterfield, Missouri 63017-1706. All claims against the Company will be barred unless proceedings to enforce the claim are commenced within three years after the publication of the notices authorized by statute, whichever is published last.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY TO ALL
CREDITORS OF AND CLAIMANTS AGAINST
INDIAN CREEK FARMS PROPERTIES, LLC**

Indian Creek Farms Properties, LLC, a Missouri limited liability company, filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State on May 28, 2019.

Any and all claims against Indian Creek Farms Properties, LLC may be sent to Steven P. Kuenzel, P.O. Box 228, Washington, MO 63090. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim; the date(s) on which the event(s) on which the claim is based occurred; and any documentation related to the claim.

Any and all claims against Indian Creek Farms Properties, LLC will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the date this notice is published.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY TO ALL
CREDITORS OF AND CLAIMANTS AGAINST
FORT CLARK SUBDIVISION PROPERTIES, LLC**

Fort Clark Subdivision Properties, LLC, a Missouri limited liability company, filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State on May 28, 2019.

Any and all claims against Fort Clark Subdivision Properties, LLC may be sent to Steven P. Kuenzel, P.O. Box 228, Washington, MO 63090. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim; the date(s) on which the event(s) on which the claim is based occurred; and any documentation related to the claim.

Any and all claims against Fort Clark Subdivision Properties, LLC will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the date this notice is published.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY TO ALL
CREDITORS OF AND CLAIMANTS AGAINST
SARASOTA VACATION PROPERTY, LLC**

Sarasota Vacation Property, LLC, a Missouri limited liability company, filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State on May 28, 2019.

Any and all claims against Sarasota Vacation Property, LLC may be sent to Steven P. Kuenzel, P.O. Box 228, Washington, MO 63090. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim; the date(s) on which the event(s) on which the claim is based occurred; and any documentation related to the claim.

Any and all claims against Sarasota Vacation Property, LLC will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the date this notice is published.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY TO ALL
CREDITORS OF AND CLAIMANTS AGAINST
REQUAT FARMS SUBDIVISION PROPERTIES, LLC**

Requat Farms Subdivision Properties, LLC, a Missouri limited liability company, filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State on May 28, 2019.

Any and all claims against Requat Farms Subdivision Properties, LLC may be sent to Steven P. Kuenzel, P.O. Box 228, Washington, MO 63090. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim; the date(s) on which the event(s) on which the claim is based occurred; and any documentation related to the claim.

Any and all claims against Requat Farms Subdivision Properties, LLC will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the date this notice is published.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY TO ALL
CREDITORS OF AND CLAIMANTS AGAINST
BW HILLINGTON PROPERTIES, LLC**

BW Hillington Properties, LLC, a Missouri limited liability company, filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State on May 28, 2019.

Any and all claims against BW Hillington Properties, LLC may be sent to Steven P. Kuenzel, P.O. Box 228, Washington, MO 63090. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim; the date(s) on which the event(s) on which the claim is based occurred; and any documentation related to the claim.

Any and all claims against BW Hillington Properties, LLC will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the date this notice is published.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY TO ALL
CREDITORS OF AND CLAIMANTS AGAINST
BOWLING ALLEY PROPERTIES, LLC**

Bowling Alley Properties, LLC, a Missouri limited liability company, filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State on May 28, 2019.

Any and all claims against Bowling Alley Properties, LLC may be sent to Steven P. Kuenzel, P.O. Box 228, Washington, MO 63090. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim; the date(s) on which the event(s) on which the claim is based occurred; and any documentation related to the claim.

Any and all claims against Bowling Alley Properties, LLC will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the date this notice is published.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY TO ALL
CREDITORS OF AND CLAIMANTS AGAINST
AUGUSTINE HEIGHTS SUBDIVISION PROPERTIES, LLC**

Augustine Heights Subdivision Properties, LLC, a Missouri limited liability company, filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State on May 28, 2019.

Any and all claims against Augustine Heights Subdivision Properties, LLC may be sent to Steven P. Kuenzel, P.O. Box 228, Washington, MO 63090. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim; the date(s) on which the event(s) on which the claim is based occurred; and any documentation related to the claim.

Any and all claims against Augustine Heights Subdivision Properties, LLC will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the date this notice is published.

**NOTICE OF TERMINATION AND WINDING UP OF
LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
REFAI TECHNOLOGIES, L.L.C.**

On June 3, 2019, Refai Technologies, LLC, a Missouri limited liability company, (the "Company") filed its Notice of Winding Up of Limited Liability Company and Articles of Termination with the Missouri Secretary of State, effective on the filing date.

All claims against the Company should be submitted in writing to: Daniel Refai at 5240 Northside Drive, NW, Atlanta, Georgia 30327

Each claim should include the following information: claimant's name, address and telephone number; the amount of the claim; the basis of the claim; the date(s) on which the claim accrued.

All claims against the Company will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the publication date of this notice.

**NOTICE OF DISSOLUTION AND WINDING UP OF
LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
DREXEL PROPERTIES, LLC**

On June 3, 2019, Drexel Properties, LLC, a Missouri limited liability company, (the "Company") filed its Notice of Winding Up of Limited Liability Company and Articles of Termination with the Missouri Secretary of State, effective on the filing date.

All claims against the Company should be submitted in writing to: Daniel Refai at 5240 Northside Drive, NW, Atlanta, Georgia 30327

Each claim should include the following information: claimant's name, address and telephone number; the amount of the claim; the basis of the claim; the date(s) on which the claim accrued.

All claims against the Company will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the publication date of this notice.

**NOTICE OF CORPORATE DISSOLUTION
TO ALL CREDITORS OF AND
CLAIMANTS AGAINST
PAVILION MANAGING MEMBER, INC.**

On May 31, 2019, PAVILION MANAGING MEMBER, INC., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on May 21, 2019.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at:

PAVILION MANAGING MEMBER, INC.
Attn: Mary Ann Mullenix
12474 S 40 Drive
St. Louis, MO 63141

Or

Kristy A. Bourgeois, Esq.
Sandberg Phoenix & von Gontard P.C.
600 Washington Ave -- 15th Floor
St. Louis, MO 63101

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of PAVILION MANAGING MEMBER, INC., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

**Rule Changes Since Update to
Code of State Regulations**

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—43 (2018) and 44 (2019). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				43 MoReg 3648
1 CSR 10-5.010	Commissioner of Administration		43 MoReg 3208	44 MoReg 1184	
1 CSR 10-10.010	Commissioner of Administration		44 MoReg 673R	This IssueR	
1 CSR 20-5.010	Personnel Advisory Board and Division of Personnel		44 MoReg 673	This Issue	
1 CSR 20-5.015	Personnel Advisory Board and Division of Personnel		44 MoReg 675R	This IssueR	
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		44 MoReg 675	This Issue	
1 CSR 20-5.025	Personnel Advisory Board and Division of Personnel		44 MoReg 676	This Issue	
1 CSR 30-3.025	Division of Facilities Management, Design and Construction		44 MoReg 38	44 MoReg 1736	
1 CSR 30-3.060	Division of Facilities Management, Design and Construction		44 MoReg 45R	44 MoReg 1736R	
1 CSR 30-4.020	Division of Facilities Management, Design and Construction		44 MoReg 45	44 MoReg 1736	
1 CSR 30-4.030	Division of Facilities Management, Design and Construction		44 MoReg 49R	44 MoReg 1736R	
1 CSR 30-4.040	Division of Facilities Management, Design and Construction		44 MoReg 49R	44 MoReg 1737R	
1 CSR 35-2.010	Division of Facilities Management		44 MoReg 50R	44 MoReg 1737R	
1 CSR 35-2.020	Division of Facilities Management		44 MoReg 50R	44 MoReg 1737R	
1 CSR 35-2.030	Division of Facilities Management		44 MoReg 50	44 MoReg 1737	
1 CSR 35-2.040	Division of Facilities Management		44 MoReg 52R	44 MoReg 1737R	
1 CSR 35-2.050	Division of Facilities Management		44 MoReg 52R	44 MoReg 1737R	
DEPARTMENT OF AGRICULTURE					
2 CSR 70-17.010	Plant Industries		44 MoReg 52	44 MoReg 1568	
2 CSR 70-17.020	Plant Industries		44 MoReg 53	44 MoReg 1574	
2 CSR 70-17.030	Plant Industries		44 MoReg 57	44 MoReg 1576	
2 CSR 70-17.040	Plant Industries		44 MoReg 59	44 MoReg 1576	
2 CSR 70-17.050	Plant Industries		44 MoReg 59	44 MoReg 1577	
2 CSR 70-17.060	Plant Industries		44 MoReg 60	44 MoReg 1577	
2 CSR 70-17.070	Plant Industries		44 MoReg 62	44 MoReg 1578	
2 CSR 70-17.080	Plant Industries		44 MoReg 65	44 MoReg 1581	
2 CSR 70-17.090	Plant Industries		44 MoReg 65	44 MoReg 1581	
2 CSR 70-17.100	Plant Industries		44 MoReg 68	44 MoReg 1581	
2 CSR 70-17.110	Plant Industries		44 MoReg 70	44 MoReg 1582	
2 CSR 70-17.120	Plant Industries		44 MoReg 71	44 MoReg 1583	
2 CSR 80-5.010	State Milk Board		44 MoReg 1022		
2 CSR 90-10.012	Weights, Measures and Consumer Protection		44 MoReg 1133		
2 CSR 90-10.130	Weights, Measures and Consumer Protection		44 MoReg 1133		
2 CSR 90-10.140	Weights, Measures and Consumer Protection		44 MoReg 1134		
2 CSR 90-10.145	Weights, Measures and Consumer Protection		44 MoReg 1134		
2 CSR 90-10.150	Weights, Measures and Consumer Protection		44 MoReg 1134		
2 CSR 90-10.155	Weights, Measures and Consumer Protection		44 MoReg 1135		
2 CSR 90-10.160	Weights, Measures and Consumer Protection		44 MoReg 1135		
2 CSR 90-10.165	Weights, Measures and Consumer Protection		44 MoReg 1136		
2 CSR 90-10.170	Weights, Measures and Consumer Protection		44 MoReg 1136		
2 CSR 90-10.175	Weights, Measures and Consumer Protection		44 MoReg 1137		
2 CSR 90-10.180	Weights, Measures and Consumer Protection		44 MoReg 1137		
2 CSR 90-38.010	Weights, Measures and Consumer Protection		43 MoReg 2012R		
2 CSR 90-38.020	Weights, Measures and Consumer Protection		43 MoReg 2012R		
2 CSR 90-38.030	Weights, Measures and Consumer Protection		43 MoReg 2012R		
2 CSR 90-38.040	Weights, Measures and Consumer Protection		43 MoReg 2013R		
2 CSR 90-38.050	Weights, Measures and Consumer Protection		43 MoReg 2013R		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.135	Conservation Commission		This Issue		
3 CSR 10-4.200	Conservation Commission		This Issue		
3 CSR 10-5.250	Conservation Commission		This Issue		
3 CSR 10-5.430	Conservation Commission		This Issue		
3 CSR 10-5.440	Conservation Commission		This Issue		
3 CSR 10-5.445	Conservation Commission		This Issue		
3 CSR 10-5.540	Conservation Commission		This Issue		
3 CSR 10-5.545	Conservation Commission		This Issue		
3 CSR 10-5.551	Conservation Commission		This Issue		
3 CSR 10-5.552	Conservation Commission		This Issue		
3 CSR 10-5.559	Conservation Commission		This Issue		
3 CSR 10-5.560	Conservation Commission		This Issue		
3 CSR 10-5.565	Conservation Commission		This Issue		
3 CSR 10-5.567	Conservation Commission		This Issue		
3 CSR 10-5.570	Conservation Commission		This Issue		
3 CSR 10-5.576	Conservation Commission		This Issue		
3 CSR 10-5.579	Conservation Commission		This Issue		
3 CSR 10-5.580	Conservation Commission		This Issue		
3 CSR 10-7.433	Conservation Commission		N.A.	This Issue	
3 CSR 10-7.434	Conservation Commission		N.A.	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-7.435	Conservation Commission		N.A.	This Issue	
3 CSR 10-7.437	Conservation Commission		N.A.	This Issue	
3 CSR 10-7.440	Conservation Commission		N.A.	44 MoReg 1390	
3 CSR 10-7.455	Conservation Commission				44 MoReg 445
3 CSR 10-7.600	Conservation Commission		N.A.	This Issue	
3 CSR 10-9.110	Conservation Commission		44 MoReg 1022	44 MoReg 1738	
3 CSR 10-9.220	Conservation Commission		44 MoReg 273	44 MoReg 1391	
3 CSR 10-10.743	Conservation Commission		44 MoReg 1023	44 MoReg 1738	
3 CSR 10-10.744	Conservation Commission		This Issue		
3 CSR 10-10.767	Conservation Commission		This Issue		
3 CSR 10-11.115	Conservation Commission		44 MoReg 1023	44 MoReg 1738	
3 CSR 10-20.805	Conservation Commission		This Issue		

DEPARTMENT OF ECONOMIC DEVELOPMENT

4 CSR 85-5.010	Division of Business and Community Services	44 MoReg 1229	44 MoReg 1248		
4 CSR 85-5.020	Division of Business and Community Services	44 MoReg 1230	44 MoReg 1249		
4 CSR 85-5.030	Division of Business and Community Services	44 MoReg 1232	44 MoReg 1251		
4 CSR 85-5.040	Division of Business and Community Services	44 MoReg 1233	44 MoReg 1252		
4 CSR 85-5.050	Division of Business and Community Services	44 MoReg 1233	44 MoReg 1252		
4 CSR 85-5.060	Division of Business and Community Services	44 MoReg 1234	44 MoReg 1253		
4 CSR 85-5.070	Division of Business and Community Services	44 MoReg 1234	44 MoReg 1253		
4 CSR 85-5.080	Division of Business and Community Services	44 MoReg 1235	44 MoReg 1253		
4 CSR 85-5.090	Division of Business and Community Services	44 MoReg 1235	44 MoReg 1254		
4 CSR 85-5.100	Division of Business and Community Services	44 MoReg 1236	44 MoReg 1254		
4 CSR 85-5.110	Division of Business and Community Services	44 MoReg 1237	44 MoReg 1255		
4 CSR 240-2.010	Public Service Commission		43 MoReg 3762	44 MoReg 1584	
4 CSR 240-2.070	Public Service Commission		43 MoReg 3762	44 MoReg 1584	
4 CSR 240-2.120	Public Service Commission		43 MoReg 3763	44 MoReg 1585	
4 CSR 240-2.205	Public Service Commission		43 MoReg 3763	44 MoReg 1585	
4 CSR 240-3.010	Public Service Commission		43 MoReg 3764	44 MoReg 1585	
4 CSR 240-3.015	Public Service Commission		43 MoReg 3764R	44 MoReg 1586R	
4 CSR 240-3.020	Public Service Commission		43 MoReg 3764R	44 MoReg 1586R	
4 CSR 240-3.025	Public Service Commission		43 MoReg 3765R	44 MoReg 1586R	
4 CSR 240-3.030	Public Service Commission		43 MoReg 3765	44 MoReg 1587	
4 CSR 240-3.145	Public Service Commission		43 MoReg 3766R	44 MoReg 1587R	
4 CSR 240-3.180	Public Service Commission		43 MoReg 3766R	44 MoReg 1588R	
4 CSR 240-3.185	Public Service Commission		43 MoReg 3766R	44 MoReg 1588R	
4 CSR 240-3.235	Public Service Commission		44 MoReg 71R	44 MoReg 1589R	
4 CSR 240-3.250	Public Service Commission		43 MoReg 3767R	44 MoReg 1589R	
4 CSR 240-3.260	Public Service Commission		44 MoReg 71R	44 MoReg 1589R	
4 CSR 240-3.275	Public Service Commission		44 MoReg 72R	44 MoReg 1590R	
4 CSR 240-10.020	Public Service Commission		43 MoReg 3767	44 MoReg 1590	
4 CSR 240-10.040	Public Service Commission		43 MoReg 3768	44 MoReg 1590	
4 CSR 240-13.010	Public Service Commission		43 MoReg 3768	44 MoReg 1590	
4 CSR 240-13.015	Public Service Commission		43 MoReg 3769	44 MoReg 1591	
4 CSR 240-13.020	Public Service Commission		43 MoReg 3769	44 MoReg 1591	
4 CSR 240-13.025	Public Service Commission		43 MoReg 3770	44 MoReg 1592	
4 CSR 240-13.030	Public Service Commission		43 MoReg 3770	44 MoReg 1592	
4 CSR 240-13.050	Public Service Commission		43 MoReg 3770	44 MoReg 1593	
4 CSR 240-13.055	Public Service Commission		43 MoReg 3773	44 MoReg 1593	
4 CSR 240-13.070	Public Service Commission		43 MoReg 3774	44 MoReg 1594	
4 CSR 240-20.070	Public Service Commission		43 MoReg 3774	44 MoReg 1594	
4 CSR 240-20.100	Public Service Commission		44 MoReg 1024		
4 CSR 240-20.105	Public Service Commission		43 MoReg 3776	44 MoReg 1595	
4 CSR 240-40.033	Public Service Commission	44 MoReg 493	44 MoReg 500	44 MoReg 1738	
4 CSR 240-40.085	Public Service Commission		44 MoReg 72	44 MoReg 1598	
4 CSR 240-40.090	Public Service Commission		44 MoReg 73	44 MoReg 1599	
4 CSR 340-2	Division of Energy				44 MoReg 1758

DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

5 CSR 20-100.120	Division of Learning Services		43 MoReg 3779R	44 MoReg 1333R	
5 CSR 20-100.190	Division of Learning Services		43 MoReg 3780	44 MoReg 1392	
5 CSR 20-100.230	Division of Learning Services		44 MoReg 678	This Issue	
5 CSR 20-100.260	Division of Learning Services		44 MoReg 74	44 MoReg 1392	
5 CSR 20-100.300	Division of Learning Services (Changed from 5 CSR 20-600.120)				43 MoReg 365I
5 CSR 20-100.310	Division of Learning Services (Changed from 5 CSR 20-600.130)				43 MoReg 365I
5 CSR 20-100.320	Division of Learning Services (Changed from 5 CSR 20-600.140)				43 MoReg 365I
5 CSR 20-100.330	Division of Learning Services (Changed from 5 CSR 20-600.110)		44 MoReg 79	44 MoReg 1333	
5 CSR 20-300.110	Division of Learning Services		N.A.	44 MoReg 1738	
5 CSR 20-400.220	Division of Learning Services		44 MoReg 1665		
5 CSR 20-400.250	Division of Learning Services		44 MoReg 774R	This IssueR	
5 CSR 20-400.280	Division of Learning Services		44 MoReg 774R	This IssueR	
5 CSR 20-400.540	Division of Learning Services		44 MoReg 679	This Issue	
5 CSR 20-500.110	Division of Learning Services		43 MoReg 3780R	44 MoReg 1334R	
5 CSR 20-600.110	Division of Learning Services (Changed to 5 CSR 20-100.330)		44 MoReg 79	44 MoReg 1333	
5 CSR 20-600.120	Division of Learning Services (Changed to 5 CSR 20-100.300)				43 MoReg 365I
5 CSR 20-600.130	Division of Learning Services (Changed to 5 CSR 20-100.310)				43 MoReg 365I
5 CSR 20-600.140	Division of Learning Services (Changed to 5 CSR 20-100.320)				43 MoReg 365I
5 CSR 30-261.010	Division of Financial and Administrative Services		44 MoReg 79	44 MoReg 1393	

DEPARTMENT OF HIGHER EDUCATION

6 CSR 10-2.080	Commissioner of Higher Education		44 MoReg 774	44 MoReg 1739	
6 CSR 10-2.100	Commissioner of Higher Education		44 MoReg 775	44 MoReg 1739	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
6 CSR 10-2.120	Commissioner of Higher Education		44 MoReg 775	44 MoReg 1739	
6 CSR 10-2.140	Commissioner of Higher Education		44 MoReg 776	44 MoReg 1739	
6 CSR 10-2.150	Commissioner of Higher Education		44 MoReg 776	44 MoReg 1740	
6 CSR 10-2.160	Commissioner of Higher Education		44 MoReg 777	44 MoReg 1740	
6 CSR 10-2.170	Commissioner of Higher Education		44 MoReg 777	44 MoReg 1740	
6 CSR 10-2.180	Commissioner of Higher Education		44 MoReg 777	44 MoReg 1740	
6 CSR 10-2.190	Commissioner of Higher Education		44 MoReg 778	44 MoReg 1740	
6 CSR 10-14.010	Commissioner of Higher Education		44 MoReg 1502		
MISSOURI DEPARTMENT OF TRANSPORTATION					
7 CSR 10-4.020	Missouri Highways and Transportation Commission		44 MoReg 274	44 MoReg 1740	
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 20-2.010	Labor and Industrial Relations Commission		44 MoReg 1377		
8 CSR 20-3.010	Labor and Industrial Relations Commission		44 MoReg 1378		
8 CSR 20-3.030	Labor and Industrial Relations Commission		44 MoReg 1380		
8 CSR 20-3.060	Labor and Industrial Relations Commission		44 MoReg 1381		
8 CSR 20-4.010	Labor and Industrial Relations Commission		44 MoReg 1382		
8 CSR 20-8.010	Labor and Industrial Relations Commission		44 MoReg 1383		
8 CSR 30-3.010	Division of Labor Standards	44 MoReg 5	44 MoReg 81	44 MoReg 1599	
8 CSR 30-3.030	Division of Labor Standards	44 MoReg 6	44 MoReg 82	44 MoReg 1601	
8 CSR 30-3.040	Division of Labor Standards	44 MoReg 7	44 MoReg 83	44 MoReg 1602	
8 CSR 30-3.050	Division of Labor Standards	44 MoReg 7	44 MoReg 83	44 MoReg 1602	
8 CSR 30-3.060	Division of Labor Standards	44 MoReg 8	44 MoReg 83	44 MoReg 1602	
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-5.190	Director, Department of Mental Health		44 MoReg 779	This Issue	
9 CSR 10-7.010	Director, Department of Mental Health		43 MoReg 3781	44 MoReg 1334	
9 CSR 10-7.020	Director, Department of Mental Health		43 MoReg 3786	44 MoReg 1334	
9 CSR 10-7.030	Director, Department of Mental Health		43 MoReg 3788	44 MoReg 1334	
9 CSR 10-7.040	Director, Department of Mental Health		43 MoReg 3794	44 MoReg 1335	
9 CSR 10-7.050	Director, Department of Mental Health		43 MoReg 3795	44 MoReg 1335	
9 CSR 10-7.080	Director, Department of Mental Health		43 MoReg 3796	44 MoReg 1335	
9 CSR 10-7.090	Director, Department of Mental Health		43 MoReg 3797	44 MoReg 1335	
9 CSR 10-7.100	Director, Department of Mental Health		43 MoReg 3799	44 MoReg 1335	
9 CSR 10-7.110	Director, Department of Mental Health		43 MoReg 3800	44 MoReg 1335	
9 CSR 10-7.120	Director, Department of Mental Health		43 MoReg 3802	44 MoReg 1336	
9 CSR 10-7.130	Director, Department of Mental Health		43 MoReg 3805	44 MoReg 1336	
9 CSR 30-3.160	Certification Standards		44 MoReg 1255		
9 CSR 30-3.230	Certification Standards		44 MoReg 781	This Issue	
9 CSR 30-4.005	Certification Standards (<i>Changed from 9 CSR 30-4.042</i>)		44 MoReg 1516		
9 CSR 30-4.010	Certification Standards		44 MoReg 1505R		
9 CSR 30-4.020	Certification Standards		44 MoReg 1505R		
9 CSR 30-4.030	Certification Standards		44 MoReg 1505R		
9 CSR 30-4.031	Certification Standards		44 MoReg 1506R		
9 CSR 30-4.032	Certification Standards		44 MoReg 1506		
9 CSR 30-4.033	Certification Standards		44 MoReg 1507R		
9 CSR 30-4.034	Certification Standards		44 MoReg 1507		
9 CSR 30-4.035	Certification Standards		44 MoReg 1510		
9 CSR 30-4.038	Certification Standards		44 MoReg 1515R		
9 CSR 30-4.039	Certification Standards		44 MoReg 1515R		
9 CSR 30-4.040	Certification Standards		44 MoReg 1515R		
9 CSR 30-4.042	Certification Standards (<i>Changed to 9 CSR 30-4.005</i>)		44 MoReg 1516		
9 CSR 30-4.043	Certification Standards		44 MoReg 1520		
9 CSR 30-4.0431	Certification Standards		44 MoReg 1526		
9 CSR 30-4.0432	Certification Standards		44 MoReg 1528		
9 CSR 30-4.045	Certification Standards		44 MoReg 1533		
9 CSR 30-4.046	Certification Standards		44 MoReg 1536		
9 CSR 30-4.160	Certification Standards		44 MoReg 1539R		
9 CSR 30-4.190	Certification Standards		44 MoReg 1539		
9 CSR 30-4.195	Certification Standards		44 MoReg 1540		
9 CSR 30-6.010	Certification Standards	44 MoReg 1237	44 MoReg 1264		
9 CSR 45-3.010	Division of Developmental Disabilities		44 MoReg 784	This Issue	
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-5.442	Air Conservation Commission		44 MoReg 1269		
10 CSR 10-5.550	Air Conservation Commission		44 MoReg 1272		
10 CSR 10-6.030	Air Conservation Commission		44 MoReg 1138		
10 CSR 10-6.050	Air Conservation Commission		44 MoReg 1543		
10 CSR 10-6.130	Air Conservation Commission		43 MoReg 1304		
10 CSR 10-6.140	Air Conservation Commission		44 MoReg 1544		
10 CSR 10-6.200	Air Conservation Commission		This Issue		
10 CSR 25-7	Hazardous Waste Management Commission				44 MoReg 1758
10 CSR 60-15.020	Safe Drinking Water Commission		44 MoReg 1138		
10 CSR 80-2.010	Solid Waste Management		44 MoReg 501		
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 10-11.010	Adjutant General		44 MoReg 1025R		
11 CSR 10-11.020	Adjutant General		44 MoReg 1025R		
11 CSR 10-11.040	Adjutant General		44 MoReg 1026R		
11 CSR 10-11.050	Adjutant General		44 MoReg 1026R		
11 CSR 10-11.070	Adjutant General		44 MoReg 1026R		
11 CSR 10-11.090	Adjutant General		44 MoReg 1026R		
11 CSR 10-11.100	Adjutant General		44 MoReg 1027R		
11 CSR 10-11.110	Adjutant General		44 MoReg 1027R		
11 CSR 10-11.120	Adjutant General		44 MoReg 1027R		
11 CSR 30-1.010	Office of the Director		44 MoReg 1027		
11 CSR 30-1.050	Office of the Director		44 MoReg 1029R		
11 CSR 30-8.010	Office of the Director		43 MoReg 1328R		
11 CSR 30-8.020	Office of the Director		43 MoReg 1328R		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
II CSR 30-8.030	Office of the Director		43 MoReg 1328R		
II CSR 30-8.040	Office of the Director		43 MoReg 1328R		
II CSR 30-9.010	Office of the Director		43 MoReg 1329R		
II CSR 30-9.020	Office of the Director		43 MoReg 1329R		
II CSR 30-9.030	Office of the Director		43 MoReg 1329R		
II CSR 30-9.040	Office of the Director		43 MoReg 1329R		
II CSR 30-9.050	Office of the Director		43 MoReg 1330R		
II CSR 30-10.010	Office of the Director		44 MoReg 1029R		
II CSR 30-16.010	Office of the Director		42 MoReg 180		
			44 MoReg 1029		
II CSR 45-4.420	Missouri Gaming Commission		43 MoReg 3485	44 MoReg 1336	
II CSR 45-5.190	Missouri Gaming Commission		44 MoReg 1547		
II CSR 45-5.200	Missouri Gaming Commission		44 MoReg 1547		
II CSR 45-5.210	Missouri Gaming Commission		44 MoReg 1550		
II CSR 45-5.237	Missouri Gaming Commission		44 MoReg 1551		
II CSR 45-7.130	Missouri Gaming Commission		43 MoReg 3485	44 MoReg 1336	
II CSR 45-8.140	Missouri Gaming Commission		44 MoReg 1551		
II CSR 45-9.102	Missouri Gaming Commission		43 MoReg 3486	44 MoReg 1336	
II CSR 45-9.105	Missouri Gaming Commission		44 MoReg 1552		
II CSR 45-9.106	Missouri Gaming Commission		43 MoReg 3486	44 MoReg 1336	
II CSR 45-9.109	Missouri Gaming Commission		43 MoReg 3486	44 MoReg 1337	
II CSR 45-9.116	Missouri Gaming Commission		43 MoReg 3487	44 MoReg 1337	
II CSR 45-9.117	Missouri Gaming Commission		43 MoReg 3487	44 MoReg 1337	
II CSR 45-11.020	Missouri Gaming Commission		This Issue		
II CSR 45-11.110	Missouri Gaming Commission		This Issue		
II CSR 45-12.020	Missouri Gaming Commission		44 MoReg 1552		
II CSR 45-12.080	Missouri Gaming Commission		44 MoReg 1552		
II CSR 45-30.020	Missouri Gaming Commission		43 MoReg 3488R	44 MoReg 1337R	
II CSR 45-30.090	Missouri Gaming Commission		This Issue		
II CSR 45-30.130	Missouri Gaming Commission		This Issue		
II CSR 45-40.030	Missouri Gaming Commission		43 MoReg 3488	44 MoReg 1337	
II CSR 45-40.100	Missouri Gaming Commission		44 MoReg 1553		
II CSR 50-2.010	Missouri State Highway Patrol		44 MoReg 681	44 MoReg 1741	
II CSR 50-2.030	Missouri State Highway Patrol		44 MoReg 682	44 MoReg 1741	
II CSR 50-2.100	Missouri State Highway Patrol		44 MoReg 682	44 MoReg 1741	
II CSR 50-2.110	Missouri State Highway Patrol		44 MoReg 683	44 MoReg 1741	
II CSR 50-2.335	Missouri State Highway Patrol		44 MoReg 683	44 MoReg 1741	
II CSR 50-3.010	Missouri State Highway Patrol (Changed from II CSR 80-5.010)		44 MoReg 917	This Issue	
II CSR 50-4.010	Missouri State Highway Patrol (Changed from II CSR 80-9.010)		44 MoReg 920	This Issue	
II CSR 50-5.010	Missouri State Highway Patrol (Changed from II CSR 80-2.010)		44 MoReg 915	This Issue	
II CSR 50-6.010	Missouri State Highway Patrol (Changed from II CSR 80-3.010)		44 MoReg 916	This Issue	
II CSR 50-7.010	Missouri State Highway Patrol (Changed from II CSR 80-4.010)		44 MoReg 916	This Issue	
II CSR 50-7.020	Missouri State Highway Patrol (Changed from II CSR 80-7.010)		44 MoReg 920	This Issue	
II CSR 70-2.240	Division of Alcohol and Tobacco Control	43 MoReg 3199	44 MoReg 787		
II CSR 75-16.010	Peace Officer Standards and Training Program		44 MoReg 1139		
II CSR 80-1.010	Missouri State Water Patrol		44 MoReg 915R	This IssueR	
II CSR 80-2.010	Missouri State Water Patrol (Changed to II CSR 50-5.010)		44 MoReg 915	This Issue	
II CSR 80-3.010	Missouri State Water Patrol (Changed to II CSR 50-6.010)		44 MoReg 916	This Issue	
II CSR 80-3.020	Missouri State Water Patrol		44 MoReg 916R	This IssueR	
II CSR 80-4.010	Missouri State Water Patrol (Changed to II CSR 50-7.010)		44 MoReg 916	This Issue	
II CSR 80-5.010	Missouri State Water Patrol (Changed to II CSR 50-3.010)		44 MoReg 917	This Issue	
II CSR 80-6.010	Missouri State Water Patrol		44 MoReg 919R	This IssueR	
II CSR 80-7.010	Missouri State Water Patrol (Changed to II CSR 50-7.020)		44 MoReg 920	This Issue	
II CSR 80-8.010	Missouri State Water Patrol		44 MoReg 920R	This IssueR	
II CSR 80-9.010	Missouri State Water Patrol (Changed to II CSR 50-4.010)		44 MoReg 920	This Issue	
II CSR 80-9.020	Missouri State Water Patrol		44 MoReg 921R	This IssueR	
DEPARTMENT OF REVENUE					
12 CSR 10-2.015	Director of Revenue	44 MoReg 1493	44 MoReg 1553		
12 CSR 10-24.405	Director of Revenue		44 MoReg 789	This Issue	
12 CSR 40-10.040	State Lottery		44 MoReg 274	44 MoReg 1393	
12 CSR 40-40.280	State Lottery		44 MoReg 275	44 MoReg 1393	
12 CSR 40-50.060	State Lottery		44 MoReg 275	44 MoReg 1393	
12 CSR 40-70.040	State Lottery		44 MoReg 275	44 MoReg 1393	
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 10-3.060	Division of Finance and Administrative Services		44 MoReg 789	This Issue	
13 CSR 10-3.070	Division of Finance and Administrative Services		44 MoReg 791	This Issue	
13 CSR 35-34.080	Children's Division		43 MoReg 3502	44 MoReg 1338	
13 CSR 40-2.180	Family Support Division		44 MoReg 1557		
13 CSR 40-13.010	Family Support Division		44 MoReg 1139		
13 CSR 40-13.015	Family Support Division		44 MoReg 1140		
13 CSR 40-13.020	Family Support Division		44 MoReg 1142		
13 CSR 40-110.030	Family Support Division		44 MoReg 1384		
13 CSR 65-3.010	Missouri Medicaid Audit and Compliance	44 MoReg 761			
13 CSR 70-3.280	MO HealthNet Division		44 MoReg 563	44 MoReg 1741	
13 CSR 70-3.290	MO HealthNet Division		44 MoReg 564	44 MoReg 1742	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
13 CSR 70-3.310	MO HealthNet Division		44 MoReg 1666		
13 CSR 70-6.010	MO HealthNet Division		44 MoReg 1669		
13 CSR 70-10.016	MO HealthNet Division	44 MoReg 1661T			
		44 MoReg 1661	44 MoReg 1669		
13 CSR 70-10.110	MO HealthNet Division	44 MoReg 1664	44 MoReg 1675		
13 CSR 70-15.160	MO HealthNet Division		44 MoReg 685	44 MoReg 1742	
13 CSR 70-20.320	MO HealthNet Division		44 MoReg 1557		
13 CSR 70-94.010	MO HealthNet Division		43 MoReg 3502	44 MoReg 1338	
13 CSR 110-3.030	Division of Youth Services		43 MoReg 3505	44 MoReg 1338	
13 CSR 110-7.010	Division of Youth Services		44 MoReg 97	44 MoReg 1338	
13 CSR 110-8.010	Division of Youth Services		44 MoReg 565	44 MoReg 1743	
13 CSR 110-8.020	Division of Youth Services		44 MoReg 566	44 MoReg 1743	
ELECTED OFFICIALS					
15 CSR	Elected Officials				43 MoReg 1498
15 CSR 30-1.010	Secretary of State		44 MoReg 1276R		
15 CSR 30-14.010	Secretary of State	44 MoReg 1241	44 MoReg 1276		
15 CSR 30-45.010	Secretary of State		44 MoReg 1276R		
15 CSR 30-45.020	Secretary of State		44 MoReg 1276R		
15 CSR 30-200.010	Secretary of State		44 MoReg 921	44 MoReg 1743	
15 CSR 30-200.020	Secretary of State		44 MoReg 922	44 MoReg 1744	
15 CSR 30-200.025	Secretary of State	44 MoReg 897	44 MoReg 923	44 MoReg 1744	
15 CSR 30-200.030	Secretary of State		44 MoReg 923	44 MoReg 1744	
15 CSR 30-200.100	Secretary of State		44 MoReg 924	44 MoReg 1744	
15 CSR 40-3.125	State Auditor		44 MoReg 792	44 MoReg 1744	
15 CSR 40-3.135	State Auditor		44 MoReg 811	44 MoReg 1756	
15 CSR 50-3.010	Treasurer		This Issue		
15 CSR 50-3.070	Treasurer		This Issue		
15 CSR 50-3.100	Treasurer		This Issue		
RETIREMENT SYSTEMS					
16 CSR	Retirement Systems				43 MoReg 1498
16 CSR 10-3.020	The Public School Retirement Systems of Missouri		44 MoReg 686	44 MoReg 1603	
16 CSR 10-5.010	The Public School Retirement Systems of Missouri		44 MoReg 686	44 MoReg 1603	
16 CSR 10-6.030	The Public School Retirement Systems of Missouri		44 MoReg 688	44 MoReg 1603	
16 CSR 10-6.060	The Public School Retirement Systems of Missouri		44 MoReg 688	44 MoReg 1603	
16 CSR 20-1.010	Missouri Local Government Employees' Retirement System (LAGERS)		44 MoReg 1682		
16 CSR 20-2.040	Missouri Local Government Employees' Retirement System (LAGERS)		44 MoReg 1682		
16 CSR 20-2.045	Missouri Local Government Employees' Retirement System (LAGERS)		44 MoReg 1682		
16 CSR 20-2.056	Missouri Local Government Employees' Retirement System (LAGERS)		44 MoReg 1683		
16 CSR 20-2.070	Missouri Local Government Employees' Retirement System (LAGERS)		44 MoReg 1683		
16 CSR 20-2.105	Missouri Local Government Employees' Retirement System (LAGERS)		44 MoReg 1684		
BOARD OF POLICE COMMISSIONERS					
17 CSR	Board of Police Commissioners				43 MoReg 1498
PUBLIC DEFENDER COMMISSION					
18 CSR	Public Defender Commission				43 MoReg 1498
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 25-36.010	Missouri State Public Health Laboratory		44 MoReg 817	44 MoReg 1756	
19 CSR 30-20.001	Division of Regulation and Licensure		44 MoReg 1277R		
19 CSR 30-20.011	Division of Regulation and Licensure		44 MoReg 1277		
19 CSR 30-20.013	Division of Regulation and Licensure	44 MoReg 897	44 MoReg 925	44 MoReg 1756	
19 CSR 30-20.015	Division of Regulation and Licensure		44 MoReg 1280		
19 CSR 30-20.030	Division of Regulation and Licensure		44 MoReg 1288R		
			44 MoReg 1288		
19 CSR 30-20.040	Division of Regulation and Licensure		44 MoReg 1289R		
19 CSR 30-20.050	Division of Regulation and Licensure		44 MoReg 1289		
19 CSR 30-20.060	Division of Regulation and Licensure		44 MoReg 1293R		
19 CSR 30-20.080	Division of Regulation and Licensure		44 MoReg 1293R		
19 CSR 30-20.082	Division of Regulation and Licensure		44 MoReg 1293R		
19 CSR 30-20.084	Division of Regulation and Licensure		44 MoReg 1293R		
19 CSR 30-20.086	Division of Regulation and Licensure		44 MoReg 1294R		
19 CSR 30-20.088	Division of Regulation and Licensure		44 MoReg 1294R		
19 CSR 30-20.090	Division of Regulation and Licensure		44 MoReg 1294R		
19 CSR 30-20.092	Division of Regulation and Licensure		44 MoReg 1294		
19 CSR 30-20.094	Division of Regulation and Licensure		44 MoReg 1296R		
19 CSR 30-20.096	Division of Regulation and Licensure		44 MoReg 1296R		
19 CSR 30-20.097	Division of Regulation and Licensure		44 MoReg 1297R		
19 CSR 30-20.098	Division of Regulation and Licensure		44 MoReg 1297R		
19 CSR 30-20.100	Division of Regulation and Licensure		44 MoReg 1297R		
			44 MoReg 1297		
19 CSR 30-20.102	Division of Regulation and Licensure		44 MoReg 1299R		
19 CSR 30-20.104	Division of Regulation and Licensure		44 MoReg 1299R		
19 CSR 30-20.106	Division of Regulation and Licensure		44 MoReg 1299R		
19 CSR 30-20.108	Division of Regulation and Licensure		44 MoReg 1300R		
19 CSR 30-20.110	Division of Regulation and Licensure		44 MoReg 1300R		
19 CSR 30-20.112	Division of Regulation and Licensure		44 MoReg 1300R		
19 CSR 30-20.116	Division of Regulation and Licensure		44 MoReg 1300R		
19 CSR 30-20.118	Division of Regulation and Licensure		44 MoReg 1301R		
19 CSR 30-20.120	Division of Regulation and Licensure		44 MoReg 1301R		
19 CSR 30-20.124	Division of Regulation and Licensure		44 MoReg 1301R		
19 CSR 30-20.126	Division of Regulation and Licensure		44 MoReg 1301R		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 30-20.128	Division of Regulation and Licensure		44 MoReg 1302R		
19 CSR 30-20.130	Division of Regulation and Licensure		44 MoReg 1302R		
19 CSR 30-20.132	Division of Regulation and Licensure		44 MoReg 1302R		
19 CSR 30-20.134	Division of Regulation and Licensure		44 MoReg 1302R		
19 CSR 30-20.136	Division of Regulation and Licensure		44 MoReg 1303R		
19 CSR 30-20.138	Division of Regulation and Licensure		44 MoReg 1303R		
19 CSR 30-20.140	Division of Regulation and Licensure		44 MoReg 1303R		
19 CSR 30-20.142	Division of Regulation and Licensure		44 MoReg 1303R		
19 CSR 30-24.010	Division of Regulation and Licensure		44 MoReg 1304R		
19 CSR 30-24.020	Division of Regulation and Licensure		44 MoReg 1304R		
19 CSR 30-24.030	Division of Regulation and Licensure		44 MoReg 1304R		
19 CSR 30-60.020	Division of Regulation and Licensure	44 MoReg 898	44 MoReg 925		
19 CSR 30-60.050	Division of Regulation and Licensure	44 MoReg 899	44 MoReg 926		
19 CSR 30-61.025	Division of Regulation and Licensure	44 MoReg 900	44 MoReg 927		
19 CSR 30-61.045	Division of Regulation and Licensure	44 MoReg 901	44 MoReg 928		
19 CSR 30-61.055	Division of Regulation and Licensure	44 MoReg 901	44 MoReg 930		
19 CSR 30-61.105	Division of Regulation and Licensure	44 MoReg 903	44 MoReg 931		
19 CSR 30-61.210	Division of Regulation and Licensure	44 MoReg 904	44 MoReg 934		
19 CSR 30-62.032	Division of Regulation and Licensure	44 MoReg 905	44 MoReg 935		
19 CSR 30-62.042	Division of Regulation and Licensure	44 MoReg 905	44 MoReg 935		
19 CSR 30-62.052	Division of Regulation and Licensure	44 MoReg 906	44 MoReg 938		
19 CSR 30-62.102	Division of Regulation and Licensure	44 MoReg 907	44 MoReg 939		
19 CSR 30-62.222	Division of Regulation and Licensure	44 MoReg 909	44 MoReg 942		
19 CSR 30-63.010	Division of Regulation and Licensure	44 MoReg 910	44 MoReg 943		
19 CSR 30-63.020	Division of Regulation and Licensure	44 MoReg 911	44 MoReg 944		
19 CSR 30-63.030	Division of Regulation and Licensure	44 MoReg 911	44 MoReg 950		
19 CSR 30-63.040	Division of Regulation and Licensure	44 MoReg 912	44 MoReg 950		
19 CSR 30-63.050	Division of Regulation and Licensure	44 MoReg 913	44 MoReg 950		
19 CSR 30-95.010	Division of Regulation and Licensure	This Issue	This Issue		
19 CSR 30-95.025	Division of Regulation and Licensure	This Issue	This Issue		
19 CSR 30-95.030	Division of Regulation and Licensure	This Issue	This Issue		
19 CSR 30-95.040	Division of Regulation and Licensure	This Issue	This Issue		
19 CSR 30-95.050	Division of Regulation and Licensure	This Issue	This Issue		
19 CSR 30-95.060	Division of Regulation and Licensure	This Issue	This Issue		
19 CSR 30-95.070	Division of Regulation and Licensure	This Issue	This Issue		
19 CSR 30-95.080	Division of Regulation and Licensure	This Issue	This Issue		
19 CSR 30-95.090	Division of Regulation and Licensure	This Issue	This Issue		
19 CSR 30-95.100	Division of Regulation and Licensure	This Issue	This Issue		
19 CSR 30-95.110	Division of Regulation and Licensure	This Issue	This Issue		
19 CSR 60-50	Missouri Health Facilities Review Committee				44 MoReg 1340 44 MoReg 1402 44 MoReg 1621 This Issue
19 CSR 73-2.011	Missouri Board of Nursing Home Administrators	44 MoReg 1011	44 MoReg 1030		
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION					
20 CSR	Department of Insurance, Financial Institutions and Professional Registration				This Issue
20 CSR	Applied Behavior Analysis Maximum Benefit				44 MoReg 855
20 CSR	Caps for Medical Malpractice				43 MoReg 1376
20 CSR	Construction Claims Binding Arbitration Cap				43 MoReg 3869
20 CSR	Sovereign Immunity Limits				43 MoReg 3870
20 CSR	State Legal Expense Fund Cap				43 MoReg 3870
20 CSR 10-1.010	General Administration		44 MoReg 1143		
20 CSR 10-3.100	General Administration		44 MoReg 1145R		
20 CSR 10-3.200	General Administration		44 MoReg 1146R		
20 CSR 10-3.300	General Administration		44 MoReg 1146R		
20 CSR 10-3.900	General Administration		44 MoReg 688R	44 MoReg 1604R	
20 CSR 100-1.010	Insurer Conduct		44 MoReg 276	44 MoReg 1604	
20 CSR 100-1.030	Insurer Conduct		44 MoReg 1684		
20 CSR 100-1.050	Insurer Conduct		44 MoReg 277	44 MoReg 1604	
20 CSR 100-1.070	Insurer Conduct		44 MoReg 278	44 MoReg 1604	
20 CSR 100-1.200	Insurer Conduct		44 MoReg 278R	44 MoReg 1604R	
20 CSR 100-1.300	Insurer Conduct		44 MoReg 279R	44 MoReg 1605R	
20 CSR 100-2.100	Insurer Conduct		44 MoReg 279R	44 MoReg 1605R	
20 CSR 100-3.100	Insurer Conduct		44 MoReg 279R	44 MoReg 1605R	
20 CSR 100-4.010	Insurer Conduct		44 MoReg 279R	44 MoReg 1605R	
20 CSR 100-4.020	Insurer Conduct		44 MoReg 280R	44 MoReg 1605R	
20 CSR 100-4.030	Insurer Conduct		44 MoReg 280R	44 MoReg 1605R	
20 CSR 100-4.100	Insurer Conduct		44 MoReg 1685		
20 CSR 100-7.002	Insurer Conduct		44 MoReg 280	44 MoReg 1606	
20 CSR 100-7.005	Insurer Conduct		44 MoReg 281	44 MoReg 1606	
20 CSR 100-7.010	Insurer Conduct		44 MoReg 282R	44 MoReg 1606R	
20 CSR 100-8.002	Insurer Conduct		44 MoReg 282	44 MoReg 1606	
20 CSR 100-8.005	Insurer Conduct		44 MoReg 283	44 MoReg 1606	
20 CSR 100-8.008	Insurer Conduct		44 MoReg 284	44 MoReg 1607	
20 CSR 100-8.010	Insurer Conduct		44 MoReg 285R	44 MoReg 1607R	
20 CSR 100-8.012	Insurer Conduct		44 MoReg 285R	44 MoReg 1607R	
20 CSR 100-8.014	Insurer Conduct		44 MoReg 286	44 MoReg 1608	
20 CSR 100-8.015	Insurer Conduct		44 MoReg 286	44 MoReg 1608	
20 CSR 100-8.016	Insurer Conduct		44 MoReg 1685		
20 CSR 100-8.018	Insurer Conduct		44 MoReg 287	44 MoReg 1608	
20 CSR 100-8.020	Insurer Conduct		44 MoReg 288R	44 MoReg 1608R	
20 CSR 100-8.040	Insurer Conduct		44 MoReg 1686		
20 CSR 200-6.100	Insurance Solvency and Company Regulation		44 MoReg 689	44 MoReg 1608	
20 CSR 200-6.400	Insurance Solvency and Company Regulation		44 MoReg 689R	44 MoReg 1609R	
20 CSR 200-6.500	Insurance Solvency and Company Regulation		44 MoReg 689R	44 MoReg 1609R	
20 CSR 200-7.300	Insurance Solvency and Company Regulation		44 MoReg 690R	44 MoReg 1609R	
20 CSR 200-8.100	Insurance Solvency and Company Regulation		44 MoReg 1146		
20 CSR 200-9.500	Insurance Solvency and Company Regulation		44 MoReg 690	44 MoReg 1609	
20 CSR 200-9.600	Insurance Solvency and Company Regulation		44 MoReg 690	44 MoReg 1609	

[illegible]

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 600-2.510	Statistical Reporting		44 MoReg 304	44 MoReg 1619	
20 CSR 600-2.600	Statistical Reporting		44 MoReg 304	44 MoReg 1619	
20 CSR 600-3.100	Statistical Reporting		44 MoReg 1725		
20 CSR 700-1.005	Insurance Licensing		44 MoReg 1165		
20 CSR 700-1.025	Insurance Licensing		44 MoReg 1165		
20 CSR 700-1.040	Insurance Licensing		44 MoReg 1166R		
20 CSR 700-1.050	Insurance Licensing		44 MoReg 1166R		
20 CSR 700-1.070	Insurance Licensing		44 MoReg 1166		
20 CSR 700-1.160	Insurance Licensing		44 MoReg 1167		
20 CSR 700-1.170	Insurance Licensing		44 MoReg 1725		
20 CSR 700-2.005	Insurance Licensing		44 MoReg 1168R		
20 CSR 700-2.100	Insurance Licensing		44 MoReg 1168R		
20 CSR 700-2.200	Insurance Licensing		44 MoReg 1168R		
20 CSR 700-2.300	Insurance Licensing		44 MoReg 1169R		
20 CSR 700-3.200	Insurance Licensing		44 MoReg 1169		
20 CSR 700-6.100	Insurance Licensing		44 MoReg 1170		
20 CSR 700-6.160	Insurance Licensing		44 MoReg 1171		
20 CSR 700-6.200	Insurance Licensing		44 MoReg 1172		
20 CSR 700-6.250	Insurance Licensing		44 MoReg 1173		
20 CSR 700-6.300	Insurance Licensing		44 MoReg 1173R		
20 CSR 2010-4.010	Missouri State Board of Accountancy		This Issue		
20 CSR 2010-4.020	Missouri State Board of Accountancy		This Issue		
20 CSR 2010-4.031	Missouri State Board of Accountancy		This Issue		
20 CSR 2010-4.035	Missouri State Board of Accountancy		This Issue		
20 CSR 2010-4.041	Missouri State Board of Accountancy		This Issue		
20 CSR 2015-1.030	Acupuncturist Advisory Committee	44 MoReg 1011	44 MoReg 1030		
20 CSR 2030-2.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		44 MoReg 701	44 MoReg 1620	
20 CSR 2030-4.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		44 MoReg 1558		
20 CSR 2030-5.105	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		44 MoReg 1558		
20 CSR 2030-5.150	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		44 MoReg 1559		
20 CSR 2030-10.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		44 MoReg 1559		
20 CSR 2040-1.021	Office of Athletics		44 MoReg 820	This Issue	
20 CSR 2040-2.011	Office of Athletics		44 MoReg 1033		
20 CSR 2040-2.021	Office of Athletics		44 MoReg 1033		
20 CSR 2040-3.011	Office of Athletics		44 MoReg 821	This Issue	
20 CSR 2040-3.030	Office of Athletics		44 MoReg 822R	This IssueR	
20 CSR 2040-4.015	Office of Athletics		44 MoReg 822	This Issue	
20 CSR 2040-4.020	Office of Athletics		44 MoReg 825	This Issue	
20 CSR 2040-4.030	Office of Athletics		44 MoReg 825	This Issue	
20 CSR 2040-4.040	Office of Athletics		44 MoReg 826	This Issue	
20 CSR 2040-4.050	Office of Athletics		44 MoReg 826	This Issue	
20 CSR 2040-4.060	Office of Athletics		44 MoReg 827R	This IssueR	
20 CSR 2040-4.070	Office of Athletics		44 MoReg 827	This Issue	
20 CSR 2040-4.080	Office of Athletics		44 MoReg 827	This Issue	
20 CSR 2040-4.090	Office of Athletics		44 MoReg 828	This Issue	
20 CSR 2040-4.100	Office of Athletics		44 MoReg 832	This Issue	
20 CSR 2040-5.010	Office of Athletics		44 MoReg 832R	This IssueR	
20 CSR 2040-5.040	Office of Athletics		44 MoReg 832	This Issue	
20 CSR 2040-5.060	Office of Athletics		44 MoReg 833	This Issue	
20 CSR 2040-5.070	Office of Athletics (Changed from 20 CSR 2040-8.140)		44 MoReg 840	This Issue	
20 CSR 2040-6.010	Office of Athletics		44 MoReg 837	This Issue	
20 CSR 2040-7.010	Office of Athletics		44 MoReg 837	This Issue	
20 CSR 2040-8.010	Office of Athletics		44 MoReg 838R	This IssueR	
20 CSR 2040-8.020	Office of Athletics		44 MoReg 1036R		
20 CSR 2040-8.030	Office of Athletics		44 MoReg 1036R		
20 CSR 2040-8.040	Office of Athletics		44 MoReg 838R	This IssueR	
20 CSR 2040-8.050	Office of Athletics		44 MoReg 838R	This IssueR	
20 CSR 2040-8.060	Office of Athletics		44 MoReg 838R	This IssueR	
20 CSR 2040-8.070	Office of Athletics		44 MoReg 839R	This IssueR	
20 CSR 2040-8.080	Office of Athletics		44 MoReg 839R	This IssueR	
20 CSR 2040-8.090	Office of Athletics		44 MoReg 839R	This IssueR	
20 CSR 2040-8.100	Office of Athletics		44 MoReg 839R	This IssueR	
20 CSR 2040-8.110	Office of Athletics		44 MoReg 840R	This IssueR	
20 CSR 2040-8.120	Office of Athletics		44 MoReg 840R	This IssueR	
20 CSR 2040-8.130	Office of Athletics		44 MoReg 840R	This IssueR	
20 CSR 2040-8.140	Office of Athletics (Changed to 20 CSR 2040-5.070)		44 MoReg 840	This Issue	
20 CSR 2040-8.160	Office of Athletics		44 MoReg 841	This Issue	
20 CSR 2040-8.170	Office of Athletics		44 MoReg 842	This Issue	
20 CSR 2040-8.180	Office of Athletics		44 MoReg 842	This Issue	
20 CSR 2040-8.190	Office of Athletics		44 MoReg 842R	This IssueR	
20 CSR 2070-1.010	State Board of Chiropractic Examiners		44 MoReg 1305R		
20 CSR 2070-2.020	State Board of Chiropractic Examiners		44 MoReg 1305R		
20 CSR 2070-2.025	State Board of Chiropractic Examiners		44 MoReg 1305R		
20 CSR 2070-2.030	State Board of Chiropractic Examiners		44 MoReg 1305		
20 CSR 2070-2.031	State Board of Chiropractic Examiners		44 MoReg 1306R		
			44 MoReg 1306		
20 CSR 2070-2.032	State Board of Chiropractic Examiners		44 MoReg 1310		
20 CSR 2070-2.033	State Board of Chiropractic Examiners		44 MoReg 1310		
20 CSR 2070-2.040	State Board of Chiropractic Examiners		44 MoReg 1310R		
			44 MoReg 1311		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2070-2.045	State Board of Chiropractic Examiners		44 MoReg 1314R		
20 CSR 2070-2.050	State Board of Chiropractic Examiners		44 MoReg 1314R		
20 CSR 2070-2.065	State Board of Chiropractic Examiners		44 MoReg 1314		
20 CSR 2070-2.066	State Board of Chiropractic Examiners		44 MoReg 1315R		
20 CSR 2070-2.070	State Board of Chiropractic Examiners		44 MoReg 1315R		
20 CSR 2070-2.080	State Board of Chiropractic Examiners		44 MoReg 1316		
20 CSR 2070-2.081	State Board of Chiropractic Examiners		44 MoReg 1320		
20 CSR 2070-2.090	State Board of Chiropractic Examiners		44 MoReg 1324		
20 CSR 2070-2.100	State Board of Chiropractic Examiners		44 MoReg 1327		
20 CSR 2070-2.110	State Board of Chiropractic Examiners		44 MoReg 1327		
20 CSR 2110-2.001	Missouri Dental Board		44 MoReg 701	44 MoReg 1620	
20 CSR 2110-2.010	Missouri Dental Board		44 MoReg 1036		
20 CSR 2110-2.260	Missouri Dental Board		44 MoReg 572R	44 MoReg 1395R	
20 CSR 2117-1.010	Office of Statewide Electrical Contractors		44 MoReg 305	44 MoReg 1395	
20 CSR 2117-1.020	Office of Statewide Electrical Contractors		44 MoReg 308	44 MoReg 1396	
20 CSR 2117-1.030	Office of Statewide Electrical Contractors		44 MoReg 311	44 MoReg 1396	
20 CSR 2117-1.040	Office of Statewide Electrical Contractors		44 MoReg 314	44 MoReg 1396	
20 CSR 2117-1.050	Office of Statewide Electrical Contractors		44 MoReg 317	44 MoReg 1396	
20 CSR 2117-1.060	Office of Statewide Electrical Contractors		44 MoReg 320	44 MoReg 1397	
20 CSR 2117-1.070	Office of Statewide Electrical Contractors		44 MoReg 323	44 MoReg 1397	
20 CSR 2117-2.010	Office of Statewide Electrical Contractors		44 MoReg 328	44 MoReg 1397	
20 CSR 2117-2.020	Office of Statewide Electrical Contractors		44 MoReg 333	44 MoReg 1398	
20 CSR 2117-2.030	Office of Statewide Electrical Contractors		44 MoReg 337	44 MoReg 1398	
20 CSR 2117-2.040	Office of Statewide Electrical Contractors		44 MoReg 341	44 MoReg 1398	
20 CSR 2117-2.050	Office of Statewide Electrical Contractors		44 MoReg 345	44 MoReg 1398	
20 CSR 2117-2.060	Office of Statewide Electrical Contractors		44 MoReg 350	44 MoReg 1399	
20 CSR 2117-2.070	Office of Statewide Electrical Contractors		44 MoReg 353	44 MoReg 1399	
20 CSR 2117-2.080	Office of Statewide Electrical Contractors		44 MoReg 356	44 MoReg 1399	
20 CSR 2117-3.010	Office of Statewide Electrical Contractors		44 MoReg 361	44 MoReg 1399	
20 CSR 2117-3.020	Office of Statewide Electrical Contractors		44 MoReg 364	44 MoReg 1399	
20 CSR 2117-3.030	Office of Statewide Electrical Contractors		44 MoReg 367	44 MoReg 1400	
20 CSR 2117-4.010	Office of Statewide Electrical Contractors		44 MoReg 370	44 MoReg 1400	
20 CSR 2117-5.010	Office of Statewide Electrical Contractors		44 MoReg 373	44 MoReg 1400	
20 CSR 2150-2.080	State Board of Registration for the Healing Arts	44 MoReg 1012	44 MoReg 1037		
20 CSR 2150-2.200	State Board of Registration for the Healing Arts		44 MoReg 1174		
20 CSR 2150-2.230	State Board of Registration for the Healing Arts	44 MoReg 1013	44 MoReg 1040		
20 CSR 2150-2.240	State Board of Registration for the Healing Arts	44 MoReg 1013	44 MoReg 1040		
20 CSR 2150-2.250	State Board of Registration for the Healing Arts	44 MoReg 1015	44 MoReg 1041		
20 CSR 2150-2.260	State Board of Registration for the Healing Arts	44 MoReg 1016	44 MoReg 1042		
20 CSR 2150-5.100	State Board of Registration for the Healing Arts	44 MoReg 27T 44 MoReg 1016	44 MoReg 1042		
20 CSR 2150-7.130	State Board of Registration for the Healing Arts	44 MoReg 1018	44 MoReg 1044		
20 CSR 2150-7.135	State Board of Registration for the Healing Arts	44 MoReg 1018	44 MoReg 1044		
20 CSR 2165-1.020	Board of Examiners for Hearing Instrument Specialists		44 MoReg 1175		
20 CSR 2193-1.010	Interior Design Council		44 MoReg 1178		
20 CSR 2193-2.010	Interior Design Council		44 MoReg 1178		
20 CSR 2193-2.020	Interior Design Council		44 MoReg 1178		
20 CSR 2193-2.030	Interior Design Council		44 MoReg 1179		
20 CSR 2193-2.040	Interior Design Council		44 MoReg 1179		
20 CSR 2193-3.010	Interior Design Council		44 MoReg 1180R		
20 CSR 2193-3.020	Interior Design Council		44 MoReg 1180		
20 CSR 2193-4.010	Interior Design Council		44 MoReg 1181		
20 CSR 2193-5.010	Interior Design Council		44 MoReg 1181		
20 CSR 2193-6.010	Interior Design Council		44 MoReg 1182		
20 CSR 2193-6.030	Interior Design Council		44 MoReg 1182R		
20 CSR 2200-4.010	State Board of Nursing		44 MoReg 843	This Issue	
20 CSR 2200-4.200	State Board of Nursing	44 MoReg 27T 44 MoReg 1020	44 MoReg 1045		
20 CSR 2220-2.016	State Board of Pharmacy		44 MoReg 1726		
20 CSR 2220-2.050	State Board of Pharmacy		44 MoReg 1727		
20 CSR 2220-2.060	State Board of Pharmacy		44 MoReg 1728		
20 CSR 2220-2.080	State Board of Pharmacy		44 MoReg 1728		
20 CSR 2220-2.120	State Board of Pharmacy		44 MoReg 1388		
20 CSR 2220-2.150	State Board of Pharmacy		44 MoReg 1729		
20 CSR 2220-2.180	State Board of Pharmacy		44 MoReg 1729		
20 CSR 2220-2.300	State Board of Pharmacy		44 MoReg 1730		
20 CSR 2220-2.400	State Board of Pharmacy	44 MoReg 1241	44 MoReg 1331		
20 CSR 2220-2.500	State Board of Pharmacy		44 MoReg 1560		
20 CSR 2220-2.600	State Board of Pharmacy		44 MoReg 1730		
20 CSR 2220-2.800	State Board of Pharmacy		44 MoReg 1732		
20 CSR 2220-3.011	State Board of Pharmacy		44 MoReg 1389		
20 CSR 2220-6.030	State Board of Pharmacy		44 MoReg 1732R		
20 CSR 2220-7.080	State Board of Pharmacy		44 MoReg 1732		
20 CSR 2220-8.040	State Board of Pharmacy	44 MoReg 31	44 MoReg 115	44 MoReg 1339	
20 CSR 2230-1.010	State Board of Podiatric Medicine		44 MoReg 1735		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2231-1.010	State Board of Pharmacy		44 MoReg 702	44 MoReg 1757	
20 CSR 2231-2.010	State Board of Pharmacy		44 MoReg 702	44 MoReg 1757	
20 CSR 2233-1.040	State Committee of Marital and Family Therapists		44 MoReg 1565		
20 CSR 2245-5.020	Real Estate Appraisers		44 MoReg 119	44 MoReg 1339	
20 CSR 2245-6.015	Real Estate Appraisers		44 MoReg 951R	This IssueR	
20 CSR 2245-6.017	Real Estate Appraisers		44 MoReg 951	This Issue	
20 CSR 2263-1.010	State Committee for Social Workers		44 MoReg 956	This Issue	
20 CSR 2263-1.016	State Committee for Social Workers		44 MoReg 956	This Issue	
20 CSR 2263-1.025	State Committee for Social Workers		44 MoReg 956	This Issue	
20 CSR 2263-2.020	State Committee for Social Workers		44 MoReg 1046R		
20 CSR 2263-2.030	State Committee for Social Workers		44 MoReg 1047		
20 CSR 2263-2.031	State Committee for Social Workers		44 MoReg 1182		
20 CSR 2263-2.032	State Committee for Social Workers		44 MoReg 1047		
20 CSR 2263-2.050	State Committee for Social Workers		44 MoReg 1047		
20 CSR 2263-2.060	State Committee for Social Workers		44 MoReg 1048		
20 CSR 2263-2.075	State Committee for Social Workers		44 MoReg 1048		
20 CSR 2263-2.090	State Committee for Social Workers		44 MoReg 1049		
20 CSR 2263-3.100	State Committee for Social Workers		44 MoReg 1049		
20 CSR 2270-4.031	Missouri Veterinary Medical Board	44 MoReg 1242	44 MoReg 1331		
MISSOURI CONSOLIDATED HEALTH CARE PLAN					
22 CSR	Missouri Consolidated Health Care Plan				This Issue

Agency	Publication	Effective	Expiration
Department of Economic Development			
Division of Business and Community Services			
4 CSR 85-5.010	Overview and Definitions	44 MoReg 1229	March 30, 2019Dec. 31, 2019
4 CSR 85-5.020	Applications	44 MoReg 1230	March 30, 2019Dec. 31, 2019
4 CSR 85-5.030	Preliminary Application Evaluation- Net Fiscal Benefit	44 MoReg 1232	March 30, 2019Dec. 31, 2019
4 CSR 85-5.040	Preliminary Application- Overall Size and Quality of the Project	44 MoReg 1233	March 30, 2019Dec. 31, 2019
4 CSR 85-5.050	Preliminary Application- Level of Economic Distress	44 MoReg 1233	March 30, 2019Dec. 31, 2019
4 CSR 85-5.060	Preliminary Application- Input from Local Elected Officials	44 MoReg 1234	March 30, 2019Dec. 31, 2019
4 CSR 85-5.070	Compliance with Other Provisions of Law	44 MoReg 1234	March 30, 2019Dec. 31, 2019
4 CSR 85-5.080	Phased Projects	44 MoReg 1235	March 30, 2019Dec. 31, 2019
4 CSR 85-5.090	Developer Fees; General Contractor Requirements	44 MoReg 1235	March 30, 2019Dec. 31, 2019
4 CSR 85-5.100	Not-for-Profits	44 MoReg 1236	March 30, 2019Dec. 31, 2019
4 CSR 85-5.110	Administrative Closure	44 MoReg 1237	March 30, 2019Dec. 31, 2019
Department of Mental Health			
Certification Standards			
9 CSR 30-6.010	Certified Community Behavioral Health Clinics	44 MoReg 1237	July 1, 2019Oct. 30, 2019
Department of Revenue			
Director of Revenue			
12 CSR 10-2.015	Employers' Withholding of Tax	44 MoReg 1493	April 26, 2019Feb. 5, 2020
Department of Social Services			
MO HealthNet Division			
13 CSR 10-4.010	Prohibition Against Expenditure of Appropriated Funds for Abortion Facilities	Aug. 1, 2019	July 1, 2019Dec. 26, 2019
13 CSR 70-10.016	Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates	44 MoReg 1661	June 1, 2019Dec. 30, 2019
13 CSR 70-10.110	Nursing Facility Reimbursement Allowance	44 MoReg 1664	June 1, 2019Dec. 30, 2019
Elected Officials			
Secretary of State			
15 CSR 30-14.010	Campaign Contribution Limits	44 MoReg 1241	March 30, 2019Jan. 8, 2020
15 CSR 30-200.025	Application and Payment Procedures for Appropriations or Grants	44 MoReg 897	Feb. 17, 2019Aug. 15, 2019
Department of Health and Senior Services			
Office of the Director			
19 CSR 10-15.060	Prohibition on Expenditure of Funds	Aug. 1, 2019	July 1, 2019Feb. 27, 2020
19 CSR 30-20.013	Incorporation of Medicare Conditions of Participation	44 MoReg 897	Feb. 24, 2019Aug. 22, 2019
19 CSR 30-30.060	Standards for the Operation of Abortion Facilities	Aug. 1, 2019	July 1, 2019Feb. 27, 2020
19 CSR 30-60.020	Application for Annual Fire Safety and Health and Sanitation Inspections and Inspection Procedures	44 MoReg 898	Feb. 25, 2019Aug. 23, 2019
19 CSR 30-60.050	Staffing Requirements	44 MoReg 899	Feb. 25, 2019Aug. 23, 2019
19 CSR 30-61.025	Organization and Administration	44 MoReg 900	Feb. 25, 2019Aug. 23, 2019
19 CSR 30-61.045	Initial Licensing Information	44 MoReg 901	Feb. 25, 2019Aug. 23, 2019
19 CSR 30-61.055	License Renewal	44 MoReg 901	Feb. 25, 2019Aug. 23, 2019
19 CSR 30-61.105	The Day Care Provider and Other Day Care Personnel	44 MoReg 903	Feb. 25, 2019Aug. 23, 2019
19 CSR 30-61.210	Records and Reports	44 MoReg 904	Feb. 25, 2019Aug. 23, 2019
19 CSR 30-62.032	Organization and Administration	44 MoReg 905	Feb. 25, 2019Aug. 23, 2019
19 CSR 30-62.042	Initial Licensing Information	44 MoReg 905	Feb. 25, 2019Aug. 23, 2019
19 CSR 30-62.052	License Renewal	44 MoReg 906	Feb. 25, 2019Aug. 23, 2019
19 CSR 30-62.102	Personnel	44 MoReg 907	Feb. 25, 2019Aug. 23, 2019
19 CSR 30-62.222	Records and Reports	44 MoReg 909	Feb. 25, 2019Aug. 23, 2019
19 CSR 30-63.010	Definitions	44 MoReg 910	Feb. 25, 2019Aug. 23, 2019
19 CSR 30-63.020	General Requirements	44 MoReg 911	Feb. 25, 2019Aug. 23, 2019
19 CSR 30-63.030	Criminal Background Screening Cost	44 MoReg 911	Feb. 25, 2019Aug. 23, 2019
19 CSR 30-63.040	Background Screening Findings	44 MoReg 912	Feb. 25, 2019Aug. 23, 2019
19 CSR 30-63.050	Process for Appeal Required in Section 210.1080, RSMo	44 MoReg 913	Feb. 25, 2019Aug. 23, 2019
19 CSR 30-95.010	Definitions	This Issue	June 3, 2019Feb. 27, 2020
19 CSR 30-95.025	Generally Applicable Provisions	This Issue	June 3, 2019Feb. 27, 2020
19 CSR 30-95.030	Qualifying Patient/Primary Caregiver	This Issue	June 3, 2019Feb. 27, 2020
19 CSR 30-95.040	Medical Marijuana Facilities Generally	This Issue	June 3, 2019Feb. 27, 2020
19 CSR 30-95.050	Cultivation Facility	This Issue	June 3, 2019Feb. 27, 2020

Agency	Publication	Effective	Expiration
Department of Health and Senior Services			
Office of the Director			
19 CSR 30-95.060	Infused Products Manufacturing Facility	This Issue	June 3, 2019Feb. 27, 2020
19 CSR 30-95.070	Testing Facility	This Issue	June 3, 2019Feb. 27, 2020
19 CSR 30-95.080	Dispensary Facility	This Issue	June 3, 2019Feb. 27, 2020
19 CSR 30-95.090	Seed to Sale Tracking	This Issue	June 3, 2019Feb. 27, 2020
19 CSR 30-95.100	Transportation	This Issue	June 3, 2019Feb. 27, 2020
19 CSR 30-95.110	Physicians	This Issue	June 3, 2019Feb. 27, 2020
19 CSR 73-2.011	Fee Waiver for Military Families and Low-Income Individuals . . . . .	.44 MoReg 1011	March 3, 2019Aug. 29, 2019
Department of Insurance, Financial Institutions and Professional Registration			
Acupuncturist Advisory Committee			
20 CSR 2015-1.030	Fees . . . . .	.44 MoReg 1011	April 1, 2019Sept. 30, 2019
State Board of Registration for the Healing Arts			
20 CSR 2150-2.080	Physician Licensure Fees . . . . .	.44 MoReg 1012	March 4, 2019Aug. 30, 2019
20 CSR 2150-2.230	Assistant Physician—Continuing Education . . . . .	.44 MoReg 1013	March 4, 2019Aug. 30, 2019
20 CSR 2150-2.240	Assistant Physician Collaborative Practice Agreements . . . . .	.44 MoReg 1013	March 4, 2019Aug. 30, 2019
20 CSR 2150-2.250	Assistant Physician—Collaborative Practice Change Requirements . . . . .	.44 MoReg 1015	March 4, 2019Aug. 30, 2019
20 CSR 2150-2.260	Assistant Physician—Certificate of Prescriptive Authority . . . . .	.44 MoReg 1016	March 4, 2019Aug. 30, 2019
20 CSR 2150-5.100	Collaborative Practice Arrangement with Nurses . . . . .	.44 MoReg 1016	March 4, 2019Aug. 30, 2019
20 CSR 2150-7.130	Applicants for Certificate of Controlled Substance Prescriptive Authority . . . . .	.44 MoReg 1018	March 4, 2019Aug. 30, 2019
20 CSR 2150-7.135	Physician Assistant Supervision Agreements . . . . .	.44 MoReg 1018	March 4, 2019Aug. 30, 2019
State Board of Nursing			
20 CSR 2200-4.200	Collaborative Practice . . . . .	.44 MoReg 1020	March 4, 2019Aug. 30, 2019
State Board of Pharmacy			
20 CSR 2220-2.400	Compounding Standards of Practice . . . . .	.44 MoReg 1241	March 30, 2019Jan. 8, 2020
Missouri Veterinary Medical Board			
20 CSR 2270-4.031	Minimum Standards for Practice Techniques . . . . .	.44 MoReg 1242	March 30, 2019Jan. 8, 2020

**Executive
Orders****Subject Matter****Filed Date****Publication****2019**

19-10	Extends Executive Order 19-06 - State of Emergency	June 13, 2019	Next Issue
19-09	Calls and orders into active service, portions of the organized militia as necessary to aid executive officials in protecting life and property	May 27, 2019	This Issue
19-08	Declares a State of Emergency	May 21, 2019	This Issue
Writ of Election	Fills vacancy in the One Hundredth General Assembly from the 158th district	April 23, 2019	44 MoReg 1499
Writ of Election	Fills vacancy in the One Hundredth General Assembly from the 99th district	April 23, 2019	44 MoReg 1497
19-07	Extends Executive Order 19-06 - State of Emergency	April 30, 2019	44 MoReg 1501
19-06	Gives the Department of Natural Resources discretionary authority to waive or suspend operation to best serve the interests of the public health and safety during the State of Emergency	March 29, 2019	44 MoReg 1246
19-05	Declares a State of Emergency	March 21, 2019	44 MoReg 1244
19-04	Establishes the Missouri School Safety Task Force	March 13, 2019	44 MoReg 1131
Proclamation	Governor reduces line items in the budget.	Jan. 28, 2019	44 MoReg 771
19-03	Transfers the Division of Workforce Development to the Department of Higher Education	Jan. 17, 2019	44 MoReg 767
19-02	Transfers the Office of Public Counsel and Public Service Commission to the Department of Insurance, Financial Institutions and Professional Registration	Jan. 17, 2019	44 MoReg 765
19-01	Transfers the Division of Energy to the Department of Natural Resources	Jan. 17, 2019	44 MoReg 763

2018

18-12	Establishes the Missouri 2020 Complete Count Committee	Dec. 18, 2018	44 MoReg 498
18-11	Closes state offices December 24, 2018.	Nov. 30, 2018	43 MoReg 3761
18-10	Establishes that each executive branch adhere to the code of conduct regarding gifts from lobbyist	Nov. 20, 2018	44 MoReg 36
18-09	Closes state offices November 23, 2018.	Nov. 1, 2018	43 MoReg 3204
18-08	Establishes the Missouri Justice Reinvestment Executive Oversight Council.	Oct. 25, 2018	43 MoReg 3472
Proclamation	Governor temporarily reduces line items in the budget.	Oct. 31, 2018	43 MoReg 3416
18-07	Establishes the Bicentennial Commission.	Oct. 12, 2018	43 MoReg 3202
Proclamation	Calls upon the Senators and Representatives to enact legislation requiring the Department of Elementary and Secondary Education to establish a statewide program to be known as the "STEM Career Awareness Program."	Sept. 4, 2018	43 MoReg 2780
18-06	Designates those members of the governor's staff who have supervisory authority over each department, division, or agency of state government.	Aug. 21, 2018	43 MoReg 2778
18-05	Declares a drought alert for 47 Missouri counties and orders the director of the Department of Natural Resources to activate and designate a chairperson for the Drought Assessment Committee	July 18, 2018	43 MoReg 2539
18-04	Extends the deadline from Section 3d of Executive Order 17-03 through September 30, 2018.	June 29, 2018	43 MoReg 1996
18-03	Reauthorizes and restructures the Homeland Security Advisory Council.	April 25, 2018	43 MoReg 1123
18-02	Declares a State of Emergency and activates the state militia in response to severe weather that began on Feb. 23.	Feb. 24, 2018	43 MoReg 664
Proclamation	Governor notifies the General Assembly that he is reducing appropriation lines in the fiscal year 2018 budget.	Feb. 14, 2018	43 MoReg 519
18-01	Rescinds Executive Order 07-21.	Jan. 4, 2018	43 MoReg 251

The rule number and the MoReg publication date follow each entry to this index.

ACCOUNTANCY, MISSOURI STATE BOARD OF

continuing professional education (CPE) documentation; 20 CSR 2010-4.031; 7/1/19
continuing professional education (CPE) exceptions and waivers; 20 CSR 2010-4.041; 7/1/19
effective date and basic requirements; 20 CSR 2010-4.010; 7/1/19
inactive licenses; 20 CSR 2010-4.035; 7/1/19
qualifying programs; 20 CSR 2010-4.020; 7/1/19

ACUPUNCTURIST ADVISORY COMMITTEE

fees; 20 CSR 2015-1.030; 4/1/19

ADMINISTRATION, OFFICE OF

definition of terms; 1 CSR 20-5.015; 2/15/19, 7/1/19
facilities management, division of
definitions; 1 CSR 35-2.020; 1/2/19, 6/17/19
lease acquisition; 1 CSR 35-2.040; 1/2/19, 6/17/19
management of leased real property; 1 CSR 35-2.050; 1/2/19, 6/17/19
procurement and management of leased real property; 1 CSR 35-2.030; 1/2/19, 6/17/19
rule objectives; 1 CSR 35-2.010; 1/2/19, 6/17/19
facilities management, design and construction, division of
determination of contractor responsibility; 1 CSR 30-3.060; 1/2/19, 6/17/19
facility management; 1 CSR 30-4.020; 1/2/19, 6/17/19
facility safety and security; 1 CSR 30-4.040; 1/2/19, 6/17/19
maintenance program standards and procedures; 1 CSR 30-4.030; 1/2/19, 6/17/19
procurement of construction and management services; 1 CSR 30-3.025; 1/2/19, 6/17/19
hours of work and holidays; 1 CSR 20-5.010; 2/15/19, 7/1/19
leaves of absence; 1 CSR 20-5.020; 2/15/19, 7/1/19
shareleave; 1 CSR 20-5.025; 2/15/19, 7/1/19
shareleave for foster and adoptive placement and care; 1 CSR 10-10.010; 2/15/19, 7/1/19
state official's salary compensation schedule; 1 CSR 10; 12/3/18

AGRICULTURE, DEPARTMENT OF

plant industries

definitions; 2 CSR 70-17.010; 1/2/19, 6/3/19
industrial hemp pilot program grower and handler registration agreement; 2 CSR 70-17.040; 1/2/19, 6/3/19
industrial hemp pilot program registration application (grower and handler application requirements, selection process, application period and fees); 2 CSR 70-17.020; 1/2/19, 6/3/19
industrial hemp plant monitoring system (records, reports, and data maintained for cultivating, sampling, certificates of analysis, storing, processing, destruction, and sale or distribution of industrial hemp); 2 CSR 70-17.110; 1/2/19, 6/3/19
industrial hemp registration fees (renewal of registrations) and other fees; 2 CSR 70-17.070; 1/2/19, 6/3/19
inspection of site, crop, and sampling requirements for laboratory analysis (responsibilities of registered grower and handler); 2 CSR 70-17.090; 1/2/19, 6/3/19
modification of grower and handler applications and fees; 2 CSR 70-17.060; 1/2/19, 6/3/19
revocation of registration; 2 CSR 70-17.120; 1/2/19, 6/3/19
sampling requirements; 2 CSR 70-17.100; 1/2/19, 6/3/19
site access for MDA and law enforcement inspection and sampling; 2 CSR 70-17.080; 1/2/19, 6/3/19
state and federal criminal history background check (when required, process, and fees); 1/2/19, 6/3/19
stipulations for registered growers and handlers; 2 CSR 70-17.050; 1/2/19, 6/3/19
state milk board
inspection fees; 2 CSR 80-5.010; 4/1/19
weights, measures and consumer protection
addressing commission; 2 CSR 90-10.130; 4/15/19
appearances; 2 CSR 90-10.160; 4/15/19
contents of the record, commission order and applications for rehearing; 2 CSR 90-10.180; 4/15/19

disciplinary action; 2 CSR 90-10.165; 4/15/19
formal hearings; 2 CSR 90-10.145; 4/15/19
hearing officer; 2 CSR 90-10.150; 4/15/19
informal hearing; 2 CSR 90-10.140; 4/15/19
proceedings; 2 CSR 90-10.170; 4/15/19
registration-training; 2 CSR 90-10.012; 4/15/19
requests for hearings; 2 CSR 90-10.155; 4/15/19
settlements; 2 CSR 90-10.175; 4/15/19

AIR CONSERVATION COMMISSION

control of emissions from lithographic and letterpress printing operations; 10 CSR 10-5.442; 5/1/19
control of volatile organic compound emissions from reactor processes and distillation operations processes in the synthetic organic chemical manufacturing industry; 10 CSR 10-5.550; 5/1/19
hospital, medical, infectious waste incinerators; 10 CSR 10-6.200; 7/1/19
sampling methods for air pollution sources; 10 CSR 10-6.030; 4/15/19

ALCOHOL AND TOBACCO CONTROL, DIVISION OF

advertising of intoxicating liquor; 11 CSR 70-2.240; 3/1/19

ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, AND PROFESSIONAL LANDSCAPE ARCHITECTS, MISSOURI BOARD FOR

application for certificate of authority; 20 CSR 2030-10.010; 6/3/19
evaluation—comity applications—professional landscape architects; 20 CSR 2030-4.090; 6/3/19
evaluation criteria for building design; 20 CSR 2030-2.040; 2/15/19, 6/3/19
reexaminations—professional engineers; 20 CSR 2030-5.105; 6/3/19
standards for admission to examination—professional landscape architects; 20 CSR 2030-5.150; 6/3/19

ATHLETICS, OFFICE OF

announcers; 20 CSR 2040-4.060; 3/1/19, 7/1/19
approval of nationally recognized amateur sanctioning bodies; 20 CSR 2040-3.030; 3/1/19, 7/1/19
attire and equipment; 20 CSR 2040-8.160; 3/1/19, 7/1/19
contestants;
20 CSR 2040-4.090; 3/1/19, 7/1/19
20 CSR 2040-8.050; 3/1/19, 7/1/19
definitions;
20 CSR 2040-1.021; 3/1/19, 7/1/19
20 CSR 2040-8.010; 3/1/19, 7/1/19
disciplinary and appeals procedures; 20 CSR 2040-7.010; 3/1/19, 7/1/19
event permits; 20 CSR 2040-8.030; 4/1/19
facility and equipment requirements;
20 CSR 2040-6.010; 3/1/19, 7/1/19
20 CSR 2040-8.190; 3/1/19, 7/1/19
fouls; 20 CSR 2040-5.070; 3/1/19, 7/1/19
inspectors;
20 CSR 2040-4.100; 3/1/19, 7/1/19
20 CSR 2040-5.010; 3/1/19, 7/1/19
20 CSR 2040-8.060; 3/1/19, 7/1/19
judges;
20 CSR 2040-4.080; 3/1/19, 7/1/19
20 CSR 2040-8.070; 3/1/19, 7/1/19
licenses; 20 CSR 2040-2.011; 4/1/19
licensing; 20 CSR 2040-8.020; 4/1/19
matchmakers;
20 CSR 2040-4.020; 3/1/19, 7/1/19
20 CSR 2040-8.080; 3/1/19, 7/1/19
permits; 20 CSR 2040-2.021; 4/1/19
physicians;
20 CSR 2040-4.040; 3/1/19, 7/1/19
20 CSR 2040-8.090; 3/1/19, 7/1/19
promoters;
20 CSR 2040-4.015; 3/1/19, 7/1/19
20 CSR 2040-8.100; 3/1/19, 7/1/19

referees;

20 CSR 2040-4.030; 3/1/19, 7/1/19

20 CSR 2040-8.110; 3/1/19, 7/1/19

rules for bouts/contests; 20 CSR 2040-8.180; 3/1/19, 7/1/19

rules for professional boxing; 20 CSR 2040-5.040; 3/1/19, 7/1/19

rules for professional and amateur kickboxing and professional full-contact karate; 20 CSR 2040-5.060; 3/1/19, 7/1/19

seconds;

20 CSR 2040-4.070; 3/1/19, 7/1/19

20 CSR 2040-8.120; 3/1/19, 7/1/19

tickets and taxes;

20 CSR 2040-3.011; 3/1/19, 7/1/19

20 CSR 2040-8.040; 3/1/19, 7/1/19

timekeepers;

20 CSR 2040-4.050; 3/1/19, 7/1/19

20 CSR 2040-8.130; 3/1/19, 7/1/19

weigh-ins; 20 CSR 2040-8.170; 3/1/19, 7/1/19

CERTIFICATE OF NEED PROGRAM

application review schedule; 19 CSR 60-50; 5/1/19, 5/15/19, 6/3/19, 7/1/19

CHILDREN'S DIVISION

children's income disbursement system (KIDS); 13 CSR 35-34.080; 12/3/18, 5/1/19

pregnancy resource center tax credit; 13 CSR 35-100.020; 9/4/18

residential treatment agency tax credit; 13 CSR 35-100.010; 9/4/18

CHIROPRACTIC EXAMINERS, STATE BOARD OF

application for continuing education; 20 CSR 2070-2.081; 5/1/19

application for licensure; 20 CSR 2070-2.040; 5/1/19

biennial license renewal; 20 CSR 2070-2.080; 5/1/19

board-approved chiropractic colleges; 20 CSR 2070-2.045; 5/1/19

diagnostic and adjunctive procedures; 20 CSR 2070-2.030; 5/1/19

diagnostic procedures and instruments; 20 CSR 2070-2.020; 5/1/19

examination; 20 CSR 2070-2.050; 5/1/19

fees; 20 CSR 2070-2.090; 5/1/19

manipulation under anesthesia; 20 CSR 2070-2.033; 5/1/19

meridian therapy/acupressure/acupuncture; 20 CSR 2070-2.031; 5/1/19

nonresident military spouse licensure; 20 CSR 2070-2.110; 5/1/19

organization and office policies of board; 20 CSR 2070-1.010; 5/1/19

post-board order activity; 20 CSR 2070-2.066; 5/1/19

professional corporations; 20 CSR 2070-2.100; 5/1/19

public complaint handling and disposition; 20 CSR 2070-2.065; 5/1/19

reciprocity; 20 CSR 2070-2.070; 5/1/19

specialty certification; 20 CSR 2070-2.032; 5/1/19

use of x-rays; 20 CSR 2070-2.025; 5/1/19

CONSERVATION, DEPARTMENT OF

closings; 3 CSR 10-11.115; 4/1/19, 6/17/19

commercial deer processing: permit, privileges, requirements; 3 CSR 10-10.744; 7/1/19

commercial establishments; 3 CSR 10-10.743; 4/1/19, 6/17/19

chronic wasting disease; management zone; 3 CSR 10-4.200; 7/1/19

daily fishing permit; 3 CSR 10-5.440; 7/1/19

daily hunting or fishing tags; 3 CSR 10-5.250; 7/1/19

daily small game hunting permit; 3 CSR 10-5.445; 7/1/19

deer: antlerless deer hunting permit availability; 3 CSR 10-7.437; 7/1/19

deer: firearms hunting season; 3 CSR 10-7.433; 7/1/19

deer: landowner privileges; 3 CSR 10-7.434; 7/1/19

deer management assistance program; 3 CSR 10-7.600; 7/1/19

deer: special harvest provisions; 3 CSR 10-7.435; 7/1/19

definitions; 3 CSR 10-20.805; 7/1/19

general prohibition; applications; 3 CSR 10-9.110; 4/1/19, 6/17/19

migratory game birds and waterfowl: seasons, limits; 3 CSR 10-7.440; 5/15/19

nonresident archer's hunting permit; 3 CSR 10-5.560; 7/1/19

nonresident conservation order permit; 3 CSR 10-5.567; 7/1/19

nonresident firearms antlerless deer hunting permit; 3 CSR 10-5.552; 7/1/19

nonresident firearms any-deer hunting permit; 3 CSR 10-5.551; 7/1/19

nonresident fishing permit; 3 CSR 10-5.540; 7/1/19

nonresident furbearer hunting and trapping permit; 3 CSR 10-5.570; 7/1/19

nonresident landowner archer's hunting permit; 3 CSR 10-5.576; 7/1/19

nonresident landowner firearms any-deer hunting permit; 3 CSR 10-5.576; 7/1/19

nonresident landowner firearms turkey hunting permit; 3 CSR 10-5.579; 7/1/19

nonresident managed deer hunting permit; 3 CSR 10-5.559; 7/1/19

nonresident small game hunting permits; 3 CSR 10-5.545; 7/1/19

nonresident turkey hunting permits; 3 CSR 10-5.565; 7/1/19

taxidermy; tanning; permit, privileges, requirements; 3 CSR 10-10.767; 7/1/19

transportation; 3 CSR 10-4.135; 7/1/19

trout permit; 3 CSR 10-5.430; 7/1/19

wildlife confinement standards; 3 CSR 10-9.220; 1/15/19, 5/15/19

DENTAL BOARD, MISSOURI

certification requirements—licensees employed by or contracting with federally qualified health centers; 20 CSR 2110-2.260; 2/1/19, 5/15/19

definitions; 20 CSR 2110-2.001; 2/15/19, 6/3/19

licensure by examinations—dentists; 20 CSR 2110-2.010; 4/1/19

ECONOMIC DEVELOPMENT, DEPARTMENT OF

administrative closure; 4 CSR 85-5.110; 5/1/19

applications; 4 CSR 85-5.020; 5/1/19

compliance with other provisions of law; 4 CSR 85-5.070; 5/1/19

developer fees; general contractor requirements; 4 CSR 85-5.090; 5/1/19

not-for-profits; 4 CSR 85-5.100; 5/1/19

overview and definitions; 4 CSR 85-5.010; 5/1/19

phased projects; 4 CSR 85-5.080; 5/1/19

preliminary application evaluation—input from local elected officials; 4 CSR 85-5.060; 5/1/19

preliminary application evaluation—level of economic distress; 4 CSR 85-5.050; 5/1/19

preliminary application evaluation—overall size and quality of the project; 4 CSR 85-5.040; 5/1/19

preliminary application evaluation—net fiscal benefit; 4 CSR 85-5.030; 5/1/19

ELECTED OFFICIALS

calculation and revision of property tax rates by political subdivisions other than school districts; 15 CSR 40-3.125; 3/1/19

calculation and revision of property tax rates by school districts; 15 CSR 40-3.125; 3/1/19

ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF

advanced placement and international baccalaureate fee payment programs; 5 CSR 20-100.120; 12/17/18, 5/1/19

application for substitute certificate of license to teach; 5 CSR 20-400.220; 6/17/19

certificate of license to teach content areas; 5 CSR 20-400.250; 3/1/19, 7/1/19

certification requirements for teacher of secondary education (grades 9-12); 5 CSR 20-400.540; 2/15/19, 7/1/19

financial and administrative services, division of requirements for the operation of school buses; 5 CSR 30-261.010; 1/2/19, 5/15/19

general provisions governing programs authorized under the early childhood development act; 5 CSR 20-[600.110] 100.330; 1/2/19, 5/1/19

graduation requirements for students in public high schools; 5 CSR 20-100.190; 12/17/18, 5/15/19

individuals with disabilities education act, part b; 5 CSR 20-300.110; 6/17/19

required assessments for professional education certification in missouri; 5 CSR 20-400.280; 3/1/19, 7/1/19

standards for charter sponsorship; 5 CSR 20-100.260; 1/2/19, 5/15/19

standards for vocational rehabilitation; 5 CSR 20-500.110; 12/17/18, 5/1/19

virtual instruction program; 5 CSR 20-100.230; 2/15/19, 7/1/19

ENERGY, DIVISION OF

energy loan program; 4 CSR 340-2; 5/15/18, 6/17/19
energy set-aside fund; 4 CSR 340-2; 1/2/18

EXECUTIVE ORDERS

establishes the Missouri school safety task force; 19-04; 4/15/19
gives department of natural resources discretionary authority to
waive or suspend operation to best serve the interest of the pub-
lic health and safety during the state of emergency; 19-06;
4/15/19
extends executive order 19-06 through June 30, 2019; 19-07; 6/3/19
election for representative evans from the 99th district; writ of elec-
tion; 6/3/19
elections for house of representatives from the 158th district; writ of
election; 6/3/19

FAMILY SUPPORT DIVISION

annual thirty-five dollar (\$35) fee; 13 CSR 40-110.030; 5/15/19
confidentiality of case records; 13 CSR 40-2.180; 6/3/19
eligibility for blind pension; 13 CSR 40-13.015; 4/15/19
scope and definitions; 13 CSR 40-13.010; 4/15/19
vision re-examination; 13 CSR 40-13.020; 4/15/19

HEALING ARTS, STATE BOARD OF REGISTRATION FOR

applicants for certificate of controlled substance prescriptive author-
ity; 20 CSR 2150-7.130; 4/1/19
assistant physician—application for licensure; 20 CSR 2150-2.200;
4/15/19
assistant physician—certificate of prescriptive authority; 20 CSR
2150-2.260; 4/1/19
assistant physician collaborative practice agreements; 20 CSR
2150-2.240; 4/1/19
assistant physician collaborative practice change requirements; 20
CSR 2150-2.250; 4/1/19
assistant physician—continuing education; 20 CSR 2150-2.230;
4/1/19
collaborative practice arrangement with nurses; 20 CSR 2150-
5.100; 4/1/19
physician assistant supervision agreements; 20 CSR 2150-7.135
4/1/19
physician licensure fees; 20 CSR 2150-2.080; 4/1/19

HEALTH AND SENIOR SERVICES, DEPARTMENT OF

levels of maternal and neonatal care designations; 19 CSR 20-
60.010; 2/1/19, 5/15/19

missouri state public health laboratory

testing for metabolic and genetic disorders; 19 CSR 25-
36.010; 3/1/19, 6/17/19

nursing home administrators, Missouri board of

fee waiver for military families and low-income individuals
19 CSR 73-2.011; 4/1/19

regulation and licensure, division of

administration of the hospital licensing program; 19 CSR 30-
20.015; 5/1/19
administration standards for psychiatric hospitals; 19 CSR 30-
24.020; 5/1/19
anesthesia services in hospitals; 19 CSR 30-20.120; 5/1/19
anesthesiologist assistants in hospitals; 19 CSR 30-20.001;
5/1/19
application for annual fire safety and health and sanitation
inspections and inspection procedures; 19 CSR 30-
60.020; 3/15/19
background screening findings; 19 CSR 30-63.040; 3/15/19
central services; 19 CSR 30-20.088; 5/1/19
chief executive officer in hospitals; 19 CSR 30-20.082; 5/1/19
construction standards for new hospitals; 19 CSR 30-20.030;
5/1/19
construction standards for new long-term care units in hospi-
tals; 19 CSR 30-20.060; 5/1/19
criminal background screening cost; 19 CSR 30-63.030;
3/15/19

cultivation facility; 19 CSR 30-95.050; 7/1/19
definitions;

19 CSR 30-63.010; 3/15/19

19 CSR 30-95.010; 7/1/19

definitions relating to hospitals; 19 CSR 30-20.011; 5/1/19
definitions relating to long-term care units in hospitals; 19
CSR 30-20.040; 5/1/19

diversion; 19 CSR 30-20.092; 5/1/19

dispensary facility; 19 CSR 30-95.080; 7/1/19

fire safety, general safety and operating features; 19 CSR 30-
20.108; 5/1/19

food and nutrition services; 19 CSR 30-20.090; 5/1/19
general design and construction standards for psychiatric hos-
pitals; 19 CSR 30-24.010; 5/1/19

general provisions; 19 CSR 30-95.020; 1/15/19, 5/1/19

general requirements; 19 CSR 30-63.020; 3/15/19

generally applicable provisions; 19 CSR 30-95.025; 7/1/19

governing body of hospitals; 19 CSR 30-20.080; 5/1/19
incorporation of medicare conditions of participation; 19 CSR
30-20.013; 3/15/19, 6/17/19

infection prevention and control; 19 CSR 30-20.116; 5/1/19
infused products manufacturing facility; 19 CSR 30-95.060;
7/1/19

initial licensing information

19 CSR 30-61.045; 3/15/19

19 CSR 30-62.042; 3/15/19

inpatient care units in hospitals; 19 CSR 30-20.106; 5/1/19
license renewal

19 CSR 30-61.055; 3/15/19

19 CSR 30-62.052; 3/15/19

medical marijuana facilities generally; 19 CSR 30-95.040;
7/1/19

medical records; 19 CSR 30-20.094; 5/1/19

medical services; 19 CSR 30-20.124; 5/1/19

medical staff in hospitals; 19 CSR 30-20.086; 5/1/19

nursing services; 19 CSR 30-20.096; 5/1/19

obstetrical and newborn services in hospitals; 19 CSR 30-
20.126; 5/1/19

orientation and continuing education; 19 CSR 30-20.110;
5/1/19

organization and administration

19 CSR 30-61.025; 3/15/19

19 CSR 30-62.032; 3/15/19

outpatient services in hospitals; 19 CSR 30-20.118; 5/1/19

pathology and medical laboratory services; 19 CSR 30-
20.098; 5/1/19

patients' rights in hospitals; 19 CSR 30-20.084; 5/1/19

pediatric services in hospitals; 19 CSR 30-20.128; 5/1/19

personnel; 19 CSR 30-62.102; 3/15/19

pharmacy services and medication management; 19 CSR 30-
20.100; 5/1/19

physicians; 19 CSR 30-95.110; 7/1/19

post-anesthesia recovery services in hospitals; 19 CSR 30-
20.130; 5/1/19

preparation of plans and specifications for psychiatric hospi-
tals; 19 CSR 30-24.030; 5/1/19

process for appeal required in section 210.1080, RSMo;
3/15/19

psychiatric services in hospitals; 19 CSR 30-20.132; 5/1/19
quality assessment and performance improvement program;
19 CSR 30-20.112; 5/1/19

qualifying patient/primary caregiver; 19 CSR 30-95.030;
7/1/19

radiology services in hospitals; 19 CSR 30-20.102; 5/1/19
records and reports

19 CSR 30-61.210; 3/15/19

19 CSR 30-62.222; 3/15/19

rehabilitation services in hospitals; 19 CSR 30-20.134; 5/1/19
respiratory care services; 19 CSR 30-20.136; 5/1/19

safe patient handling and movement in hospitals; 19 CSR 30-
20.097; 5/1/19

seed-to-sale tracking; 19 CSR 30-95.090; 7/1/19

social services; 19 CSR 30-20.104; 5/1/19

specialized inpatient care services; 19 CSR 30-20.138; 5/1/19
staffing requirements; 19 CSR 30-60.050; 3/15/19

standards for the operation of long-term care units; 19 CSR
30-20.050; 5/1/19

surgical services; 19 CSR 30-20.140; 5/1/19

testing facility; 19 CSR 30-95.070; 7/1/19

the day care provider and other day care personnel; 19 CSR 30-61.105; 3/15/19
 transportation; 19 CSR 30-95.100; 7/1/19
 variance requests; 19 CSR 30-20.142; 5/1/19

HEARING INSTRUMENT SPECIALISTS, BOARD OF REGISTRATION FOR

fees; 20 CSR 2165-1.020; 4/15/19

HIGHER EDUCATION, DEPARTMENT OF

A+ scholarship program; 6 CSR 10-2.190; 3/1/19, 6/17/19
 access missouri financial assistance program; 6 CSR 10-2.150; 3/1/19, 6/17/19
 competitiveness scholarship program; 6 CSR 10-2.120; 3/1/19, 6/17/19
 higher education academic scholarship program; 6 CSR 10-2.080; 3/1/19, 6/17/19
 institutional eligibility for student participation; 6 CSR 10-2.140; 3/1/19, 6/17/19
 kids' chance scholarship program; 6 CSR 10-2.170; 3/1/19, 6/17/19
 limit on tuition increases; 6 CSR 10-14.010; 6/3/19
 minority and underrepresented environmental literacy program; 6 CSR 10-2.180; 3/1/19, 6/17/19
 public safety officer or employee's child survivor grant program; 6 CSR 10-2.100; 3/1/19, 6/17/19
 war veteran's survivors grant program; 6 CSR 10-2.160; 3/1/19, 6/17/19

INSURANCE

applied behavior analysis maximum benefit; 20 CSR; 3/1/19
 construction claims binding arbitration cap; 20 CSR; 12/17/18
 non-economic damages in medical malpractice cap; 20 CSR; 6/15/18

Notice of Periodic Review; 20 CSR ; 7/1/19
 sovereign immunity limits; 20 CSR; 12/17/18
 state legal expense fund; 20 CSR; 12/17/18
general administration

confidentiality; 20 CSR 10-3.100; 4/15/19
 conflict of interest; 20 CSR 10-3.300; 4/15/19
 general organization; 20 CSR 10-1.010; 4/15/19
 gratuities; 20 CSR 10-3.200; 4/15/19
 supplementary executive orders; 20 CSR 10-3.900; 2/15/19, 6/3/19

insurance licensing

affidavits; 20 CSR 700-6.300; 4/15/19
 applications, fees, ad renewals-bail bond agents, general bail bond agents, and surety recovery agents; 20 CSR 700-6.100; 4/15/19
 assignment and acknowledgement; 20 CSR 700-6.200; 4/15/19
 assignment of additional assets; 20 CSR 700-6.250; 4/15/19
 claim checks or drafts; 20 CSR 700-2.200; 4/15/19
 clearance letters; 20 CSR 700-1.040; 4/15/19
 conduct of the business of insurance over the internet; 20 CSR 700-1.025; 4/15/19
 continuing education; 20 CSR 700-3.200; 4/15/19
 continuing education for bail bond agents, general bail bond agents, and surety recovery agents; 20 CSR 700-6.160; 4/15/19
 coverages permitted to be sold under credit license; 20 CSR 700-1.070; 4/15/19
 licensing and authorization of portable electronics insurance producers and related entities; 20 CSR 700-1.160; 4/15/19
 licensing procedures and standards for limited lines self-service storage insurance producers; 20 CSR 700-1.170; 6/17/19
 payment of earned commissions; 20 CSR 700-1.050; 4/15/19
 public adjuster contracts; 20 CSR 700-2.300; 4/15/19
 public adjusters; 20 CSR 700-2.100; 4/15/19

scope and definitions;

20 CSR 700-1.005; 4/15/19

20 CSR 700-2.005; 4/15/19

insurance solvency and company regulation

abandonment or amendment of plan; 20 CSR 200-16.120; 2/15/19, 6/3/19
 annual certification and filing; 20 CSR 200-10.300; 1/15/19, 6/3/19
 annual filings due by march 1; 20 CSR 200-9.800; 2/15/19, 6/3/19
 application for certificate of authority; 20 CSR 200-9.600; 2/15/19, 6/3/19
 application; hearing; 20 CSR 200-16.040; 2/15/19, 6/3/19
 appraisal requirements; 20 CSR 200-13.100; 1/15/19, 6/3/19
 availability of information; 20 CSR 200-16.090; 2/15/19, 6/3/19
 compensation; 20 CSR 200-16.070; 2/15/19, 6/3/19
 contents of corporate governance annual disclosure; 20 CSR 200-21.500; 4/15/19
 contents of plan; 20 CSR 200-16.030; 2/15/19, 6/3/19
 conversion of mutual life insurance holding company; 20 CSR 200-16.010; 4/15/19
 corporate existence; 20 CSR 200-16.110; 2/15/19, 6/3/19
 definitions;
 20 CSR 200-16.020; 2/15/19, 6/3/19
 20 CSR 200-21.300; 4/15/19
 dissolution of plan; 20 CSR 200-14.400; 1/15/19, 6/3/19
 dividends; 20 CSR 200-11.150; 1/15/19, 6/3/19
 effective date; 20 CSR 200-16.100; 2/15/19, 6/3/19
 employers who join the plan after a certificate of authority is granted; 20 CSR 200-14.300; 1/15/19, 6/3/19
 extended missouri and missouri mutual companies' financial reinsurance requirements; 20 CSR 200-12.030; 1/15/19, 6/3/19
 faithful performance of a motor vehicle extended service contract provider's obligations; 20 CSR 200-18.020; 2/15/19, 6/3/19
 faithful performance of a service contract provider's obligations (non-motor vehicle); 20 CSR 200-18.120; 2/15/19, 6/3/19
 federal liability risk retention act; 20 CSR 200-8.100; 4/15/19
 filing procedures; 20 CSR 200-21.400; 4/15/19
 financial requirements; 20 CSR 200-20.040; 6/17/19
 forms; 20 CSR 200-10.500; 1/15/19, 6/3/19
 limitations on ownership; 20 CSR 200-16.060; 2/15/19, 6/3/19
 management contracts to be filed; 20 CSR 200-11.300; 1/15/19, 6/3/19
 material transactions between affiliates under section 382.195.1(7), RSMo; 20 CSR 200-11.120; 1/15/19, 6/3/19
 materiality, fairness, and reasonableness of certain affiliated transactions; 20 CSR 200-11.130; 1/15/19, 6/3/19
 member approval; 20 CSR 200-16.050; 2/15/19, 6/3/19
 MGA filing requirements; 20 CSR 200-10.100; 1/15/19, 6/3/19
 mortgage loans as admissible assets; 20 CSR 200-13.200; 1/15/19, 6/3/19
 mortgage loans as admissible deposits; 20 CSR 200-7.300; 2/15/19, 6/3/19
 procedure for forming a missouri domestic insurance company; 20 CSR 200-17.100; 6/17/19
 procedure for redomestication; 20 CSR 200-17.300; 6/17/19
 real estate held after ten years; 20 CSR 200-13.300; 1/15/19, 6/3/19
 registration of motor vehicle extended service contract providers; 20 CSR 200-18.010; 2/15/19, 6/3/19, 6/3/19

registration of service contract providers (non-motor vehicle);
20 CSR 200-18.110; 2/15/19
renewal of certificate of authority;
20 CSR 200-14.200; 1/15/19, 6/3/19
20 CSR 200-9.700; 2/15/19, 6/3/19
severability clause;
20 CSR 200-16.130; 2/15/19, 6/3/19
20 CSR 200-21.600; 4/15/19
standards for determining the availability of coverage;
20 CSR 200-6.500; 2/15/19, 6/3/19
substantial compliance; 20 CSR 200-16.080; 2/15/19, 6/3/19
surplus lines insurance forms; 20 CSR 200-6.100; 2/15/19,
6/3/19
surplus lines premium tax allocation formulas; 20 CSR 200-
6.400; 2/15/19, 6/3/19
termination of appointment; 20 CSR 200-10.400; 1/15/19,
6/3/19

TPA name requirements; 20 CSR 200-9.500; 2/15/19, 6/3/19

insurer conduct

adopting NAIC handbooks and standards; 20 CSR 100-4.020;
1/15/19, 6/3/19
assignment of benefits; 20 CSR 100-1.300; 1/15/19, 6/3/19
claims practices when retrospective premiums paid; 20 CSR
100-1.200; 1/15/19, 6/3/19
collaborative actions; 20 CSR 100-8.014; 1/15/19, 6/3/19
definitions;
20 CSR 100-1.010; 1/15/19, 6/3/19
20 CSR 100-4.010; 1/15/19, 6/3/19
examination procedures; 20 CSR 100-8.016; 6/17/19
examination warrants; 20 CSR 100-8.005; 1/15/19, 6/3/19
failure to acknowledge pertinent communication; 20 CSR 100-
1.030; 6/17/19
forms; 20 CSR 100-4.030; 1/15/19, 6/3/19
fraud investigation reports; 20 CSR 100-3.100; 1/15/19,
6/3/19
hearing on examination warrants; 20 CSR 100-8.008;
1/15/19, 6/3/19
identification cards issued by health carriers; 20 CSR 100-
1.070; 1/15/19, 6/3/19
insurer record retention; 20 CSR 100-8.040; 6/17/19
notice of examination; 20 CSR 100-8.015; 1/15/19, 6/3/19
post-examination procedure; 20 CSR 100-8.018; 1/15/19,
6/3/19
response to inquiries by the consumer affairs division; 20 CSR
100-4.100; 6/17/19
sampling and error rates; 20 CSR 100-8.020; 1/15/19, 6/3/19
scope and definitions;
20 CSR 100-7.002; 1/15/19, 6/3/19
20 CSR 100-8.002; 1/15/19, 6/3/19
standards for prompt, fair and equitable settlement of claims;
20 CSR 100-1.050; 1/15/19, 6/3/19
standards of analysis; 20 CSR 100-7.010; 1/15/19, 6/3/19
standards of examinations; 20 CSR 100-8.010; 1/15/19, 6/3/19
timing of examinations; 20 CSR 100-8.012; 1/15/19, 6/3/19
unfair financial planning practices; 20 CSR 100-2.100;
1/15/19, 6/3/19
uniform analysis and continuum of actions; 20 CSR 100-
7.005; 1/15/19, 6/3/19

life, annuities and health

ambulatory surgical centers; 20 CSR 400-6.300; 4/15/19
application questions and underwriting practices relating to
HIV infection; 20 CSR 400-2.120; 4/15/19
approval criteria for membership contracts; 20 CSR 400-
6.200; 4/15/19
authorization for emergency medical services; 20 CSR 400-
7.130; 4/15/19
benefit payment standards; 20 CSR 400-6.400; 4/15/19
bonding requirements; 20 CSR 400-7.070; 4/15/19

conversion privilege;
20 CSR 400-2.070; 4/15/19
20 CSR 400-6.600; 4/15/19
conversion; semiprivate room rate; 20 CSR 400-2.080;
4/15/19
copayments; 20 CSR 400-7.100; 4/15/19
distribution of written disclosure information; 20 CSR 400-
7.170; 4/15/19
eligibility; 20 CSR 400-9.100; 4/15/19
enrollee protection provisions; 20 CSR 400-7.080; 4/15/19
evidence required to prove criteria for designation as commu-
nity-based health maintenance organization; 20 CSR 400-
7.300; 4/15/19
external arbitration; 20 CSR 400-14.100; 6/17/19
filing fees; 20 CSR 400-8.100; 4/15/19
forms which must be approved prior to use; 20 CSR 400-
7.010; 4/15/19
health maintenance organizations-disenrollments; 20 CSR
400-7.150; 4/15/19
health maintenance organizations-resolution of enrollee griev-
ances; 20 CSR 400-7.110; 4/15/19
integration with other benefits; 20 CSR 400-7.060; 4/15/19
life and health benefits relating to HIV infection; 20 CSR
400-2.110; 4/15/19
medicare supplement insurance minimum standards act;
20 CSR 400-3.650; 6/17/19
multiple names prohibited; 20 CSR 400-7.160; 4/15/19
notice of renewal date on renewable policies; 20 CSR 400-
2.050; 4/15/19
notice to parents of group and blanket student accident poli-
cies; 20 CSR 400-2.040; 2/15/19, 6/3/19
pharmacies and prescription drugs; 20 CSR 400-7.400;
4/15/19
procedures for the filing of all policy forms and certain rates
for life or health policies, contracts, or related forms; 20
CSR 400-8.200; 4/15/19
provider selection standards; 20 CSR 400-7.200; 4/15/19
solicitation of insurance on military installations in Missouri;
20 CSR 400-5.300; 4/15/19
standards for HIV testing; 20 CSR 400-2.100; 4/15/19
uniform health care forms; 20 CSR 400-8.300; 4/15/19

property and casualty

marine, inland marine, definition with scope of coverage; 20
CSR 500-1.200; 1/15/19, 6/3/19
medical malpractice associations; 20 CSR 500-5.100;
2/15/19, 6/3/19
minimum standards for claims-paid policies; 20 CSR 500-
1.900; 1/15/19, 6/3/19
mobile homes as collateral; 20 CSR 500-2.500; 1/15/19,
6/3/19
motor vehicles and goods as collateral; 20 CSR 500-1.700;
1/15/19, 6/3/19
performance standards for workers' compensation carriers; 20
CSR 500-6.500; 4/15/19
policy and endorsement forms; 20 CSR 500-6.100; 4/15/19
policy holder and mutual members participation; 20 CSR 500-
1.400; 1/15/19, 6/3/19
rate variations (consent rate) prerequisites; 20 CSR 500-
4.300; 1/15/19, 6/3/19
self-insurance; 20 CSR 500-6.300; 4/15/19
workers' compensation managed care organizations; 20 CSR
500-6.700; 4/15/19

statistical reporting

credit dismemberment insurance; 20 CSR 600-2.400; 1/15/19,
6/3/19
credit insurance-indirect compensation; 20 CSR 600-2.600;
1/15/19, 6/3/19

credit life and accident and sickness rates; 20 CSR 600-2.110; 1/15/19, 6/3/19
 credit life and accident and sickness premium rates; 20 CSR 600-2.500; 1/15/19, 6/3/19
 credit property insurance; 20 CSR 600-2.200; 1/15/19, 6/3/19
 dram shop cost data reporting; 20 CSR 600-1.020; 1/15/19, 6/3/19
 format to be used in reporting data on residential insurance coverages and private passenger automobile insurance; 20 CSR 600-3.100; 6/17/19
 involuntary unemployment; 20 CSR 600-2.300; 1/15/19, 6/3/19
 life and accident and sickness; 20 CSR 600-2.100; 1/15/19, 6/3/19
 medicare supplement data reporting; 20 CSR 600-1.010; 6/17/19
 refund of credit insurance premiums; 20 CSR 600-2.120; 1/15/19, 6/3/19
 time periods and termination of credit accident and sickness insurance; 20 CSR 600-2.510; 1/15/19, 6/3/19

INTERIOR DESIGN COUNCIL

application; 20 CSR 2193-2.010; 4/15/19
 definitions; 20 CSR 2193-1.010; 4/15/19
 discipline; 20 CSR 2193-6.030; 4/15/19
 fees; 20 CSR 2193-4.010; 4/15/19
 original registration—form and content; 20 CSR 2193-3.010; 4/15/19
 public complaint handling and disposition procedure; 20 CSR 2193-6.010; 4/15/19
 qualifying education; 20 CSR 2193-2.020; 4/15/19
 qualifying experience; 20 CSR 2193-2.030; 4/15/19
 reciprocity/waiver of examination; 20 CSR 2193-2.040; 4/15/19
 renewal; 20 CSR 2193-3.020; 4/15/19
 requirements; 20 CSR 2193-5.010; 4/15/19

LABOR AND INDUSTRIAL RELATIONS, DEPARTMENT OF

labor and industrial relations commission
 governing rules; 8 CSR 20-2.010; 5/15/19
 jurisdiction; 8 CSR 20-3.010; 5/15/19
 policy of the commission; 8 CSR 20-3.060; 5/15/19
 review—applications; 8 CSR 20-4.010; 5/15/19
 review of awards or orders issued by administrative law judges; 8 CSR 20-3.030; 5/15/19
 review of decisions issued by the DWC in tort victims' comp cases; 8 CSR 20-8.010; 5/15/19
labor standards, division of
 applicable wage rates for public works projects; 8 CSR 30-3.010; 1/2/19, 6/3/19
 apprentices and entry-level workers; 8 CSR 30-3.030; 1/2/19
 classifications of construction work; 8 CSR 30-3.040; 1/2/19, 6/3/19
 occupational titles of work descriptions; 8 CSR 30-3.060; 1/2/19, 6/3/19
 posting of prevailing wage rates; 8 CSR 30-3.050; 1/2/19, 6/3/19

MARITAL AND FAMILY, STATE COMMITTEE OF

fees; 20 CSR 2233-1.040; 6/3/19

MENTAL HEALTH, DEPARTMENT OF

access crisis intervention (ACI) programs; 9 CSR 30-4.195; 6/3/19
 administrative structure for community psychiatric rehabilitation programs; 9 CSR 30-4.032; 6/3/19
 assertive community treatment (ACT) in community psychiatric rehabilitation programs; 9 CSR 30-4.0432; 6/3/19
 background screening requirements; 9 CSR 10-5.190; 3/1/19, 7/1/19

certification standards definitions; 9 CSR 30-4.030; 6/3/19
 certified community behavioral health clinics; 4 CSR 30-6.010; 5/1/19
 client records; 9 CSR 30-4.160; 6/3/19
 definitions; 9 CSR 30-4.010; 6/3/19
 dietary service; 9 CSR 10-7.080; 12/17/18, 5/1/19
 eligibility criteria and admission criteria for community psychiatric rehabilitation programs; 9 CSR 30-4.005; 6/3/19
 eligibility determination, assessment, and treatment planning in community psychiatric rehabilitation programs; 9 CSR 30-4.035; 6/3/19
 essential principles and outcomes; 9 CSR 10-7.010; 12/17/18, 5/1/19
 fiscal management; 9 CSR 10-7.100; 12/17/18, 5/1/19
 fiscal management of community psychiatric rehabilitation program; 9 CSR 30-4.033; 6/3/19
 general staffing requirements for community psychiatric rehabilitation programs; 9 CSR 30-4.034; 6/3/19
 governing authority and program administration; 9 CSR 10-7.090; 12/17/18, 5/1/19
 individual support plans; 9 CSR 45-3.010; 3/1/19, 7/1/19
 institutional treatment centers; 9 CSR 30-3.160; 5/1/19
 integrated treatment for co-occurring disorders (ITCD) in community psychiatric rehabilitation programs; 9 CSR 30-4.0431; 6/3/19
 intensive community psychiatric rehabilitation (ICPR) 9 CSR 30-4.045; 6/3/19
 outpatient mental health treatment programs; 9 CSR 30-4.190; 6/3/19
 performance improvement; 9 CSR 10-7.040; 12/17/18, 5/1/19
 personnel; 9 CSR 10-7.110; 12/17/18, 5/1/19
 physical environment and safety; 9 CSR 10-7.120; 12/17/18, 5/1/19
 procedures to obtain certification;
 9 CSR 10-7.130; 12/17/18, 5/1/19
 9 CSR 30-4.020; 6/3/19
 procedures to obtain certification for centers; 9 CSR 30-4.031; 6/3/19
 psychosocial rehabilitation (PSR) in community psychiatric rehabilitation programs; 9 CSR 30-4.046; 6/3/19
 quality assurance; 9 CSR 30-4.040; 6/3/19
 required educational assessment and community treatment program (REACT); 9 CSR 30-3.230; 3/1/19, 7/1/19
 research; 9 CSR 10-7.050; 12/17/18, 5/1/19
 rights of individuals served for community psychiatric rehabilitation programs (CPRP); 9 CSR 30-4.038; 6/3/19
 rights, responsibilities, and grievances; 9 CSR 10-7.020; 12/17/18, 5/1/19
 service delivery process and documentation; 9 CSR 10-7.030; 12/17/18, 5/1/19
 service provision; 9 CSR 30-4.039; 6/3/19
 service provision, staff qualifications, and documentation requirements for community psychiatric rehabilitation programs; 9 CSR 30-4.043; 6/3/19

MISSOURI CONSOLIDATED HEALTH CARE PLAN

Notice of Periodic Review; Title 22; 7/1/19

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

relocation assistance program; 7 CSR 10-4.020; 1/15/19, 6/17/19

MO HEALTHNET DIVISION

ambulance treat no transport; 13 CSR 70-6.010; 6/17/19
 chiropractic services; 13 CSR 70-3.310; 6/17/19
 global per diem adjustments to nursing facility and HIV nursing facility reimbursement rates; 13 CSR 70-10.016; 6/17/19
 home and community-based services waiver definitions; 13 CSR 70-3.280; 2/1/19, 6/17/19
 home and community-based services waiver setting requirements; 13 CSR 70-3.290; 2/1/19, 6/17/19

nursing facility reimbursement allowance; 13 CSR 70-10.110; 6/17/19
pharmacy reimbursement allowance; 13 CSR 70-20.320; 6/3/19
prospective outpatient hospital services reimbursement methodology; 13 CSR 70-15.160; 2/15/19, 6/17/19

NATURAL RESOURCES, DEPARTMENT OF

air conservation commission

start-up, shutdown, and malfunction conditions; 10 CSR 10-6.050; 6/3/19
restriction of emissions credit for reduced pollutant concentrations from the use of dispersion techniques; 10 CSR 10-6.140; 6/3/19

hazardous waste management division

permit modifications list available online; 6/17/19

NURSING, STATE BOARD OF

collaborative practice; 20 CSR 2200-4.200; 1/2/19, 4/1/19
fees; 20 CSR 2200-4.010; 3/1/19, 7/1/19

OFFICE OF STATEWIDE ELECTRICAL CONTRACTORS

application for license; 20 CSR 2117-2.010; 1/15/19, 5/15/19
approved examinations; 20 CSR 2117-2.020; 1/15/19, 5/15/19
certifying entities; 20 CSR 2117-1.040; 1/15/19, 5/15/19
complaint handling and disposition procedure; 20 CSR 2117-4.010; 1/15/19, 5/15/19
definitions; 20 CSR 2117-1.010; 1/15/19, 5/15/19
duplicate license; 20 CSR 2117-1.060; 1/15/19, 5/15/19
ethical standards; 20 CSR 2117-5.010; 1/15/19, 5/15/19
fees; 20 CSR 2117-1.070; 1/15/19, 5/15/19
general organization; 20 CSR 2117-1.020; 1/15/19, 5/15/19
issuance of temporary courtesy license to nonresident military spouse; 20 CSR 2117-2.080; 1/15/19, 5/15/19
military training to meet requirements for licensure; 20 CSR 2117-2.060; 1/15/19, 5/15/19
name and address change; 20 CSR 2117-1.050; 1/15/19, 5/15/19
public records; 20 CSR 2117-1.030; 1/15/19, 5/15/19
qualifier requirement; 20 CSR 2117-3.010; 1/15/19, 5/15/19
registration of employment; 20 CSR 2117-3.020; 1/15/19, 5/15/19
reinstatement of license; 20 CSR 2117-2.050; 1/15/19, 5/15/19
renewal of licenses; 20 CSR 2117-2.030; 1/15/19, 5/15/19
renewal of licenses for military members; 20 CSR 2117-2.070; 1/15/19, 5/15/19
suspension of work in a political subdivision; 20 CSR 2117-3.030; 1/15/19, 5/15/19
voluntary inactive license status; 20 CSR 2117-2.040; 1/15/19, 5/15/19

PHARMACY, STATE BOARD OF

compounding standards of practice; 20 CSR 2220-2.400; 5/1/19
electronic prescription records; 20 CSR 2220-2.080; 6/17/19
generic drug substitution; 20 CSR 2220-3.011; 5/15/19
gold certificates; 20 CSR 2220-2.060; 6/17/19
mandatory reporting rule; 20 CSR 2220-2.150; 6/17/19
nuclear pharmacy—minimum standards for operation; 20 CSR 2220-2.500; 6/3/19
pharmacist license renewal and continuing pharmacy education; 20 CSR 2220-7.080; 6/17/19
pharmacy operating procedures during declared disasters; 20 CSR 2220-2.016; 6/17/19
provision of drug and/or medical information; 20 CSR 2220-6.030; 6/17/19
public complaint handling and disposition procedure; 20 CSR 2220-2.050; 6/17/19
public records; 20 CSR 2220-2.180; 6/17/19
record confidentiality and disclosure; 20 CSR 2220-2.300; 6/17/19
standards of operation (drug outsourcers); 20 CSR 2220-8.040; 1/2/19, 5/1/19
standards of operation for a class f: renal dialysis pharmacy; 20 CSR 2220-2.600; 6/17/19

transfer of prescription or medication order information; 20 CSR 2220-2.120; 5/15/19
vacuum tube drug delivery system; 20 CSR 2220-2.800; 6/17/19

PODIATRIC MEDICINE, STATE BOARD OF
general organization; 20 CSR 2230-1.010; 6/17/19

PROFESSIONAL REGISTRATION, DIVISION OF

designation of license renewal dates and related renewal information; 20 CSR 2231-2.010; 2/15/19, 6/17/19
general organization; 20 CSR 2231-1.010; 2/15/19, 6/17/19

PROPANE SAFETY COMMISSION, MISSOURI

fiscal year July 1, 2018–June 30, 2019 budget plan; 2 CSR 90; 8/1/18

PUBLIC DRINKING WATER PROGRAM

administrative penalty assessment; 10 CSR 60-6.070; 7/16/18, 1/2/19
backflow prevention assembly tester certification; 10 CSR 60-11.030; 7/16/18, 1/2/19
certification of public water system operators; 10 CSR 60-14.020; 7/16/18, 1/2/19
classification of public water systems and system requirements; 10 CSR 60-14.010; 7/16/18, 1/2/19
construction authorization, final approval of construction, owner-supervised program and permit to dispense water; 10 CSR 60-3.010; 7/16/18, 1/2/19
consumer confidence reports; 10 CSR 60-8.030; 7/16/18, 1/2/19
continuing operating authority; 10 CSR 60-3.020; 7/16/18, 1/2/19
disinfectant residuals, disinfection byproduct precursors and the stage 2 disinfectants/disinfection byproducts rule; 10 CSR 60-4.094; 7/16/18, 1/2/19
disinfection requirements; 10 CSR 60-4.055; 7/16/18, 1/2/19
drinking water state revolving fund program; 10 CSR 60-13.020; 7/16/18, 1/2/19
environmental review; 10 CSR 60-13.030; 7/16/18, 1/2/19
grants for public water supply districts and small municipal water supply systems; 10 CSR 60-13.010; 7/16/18, 1/2/19
ground water rule monitoring and treatment technique requirements; 10 CSR 60-4.025; 7/16/18, 1/2/19
maximum contaminant levels and monitoring requirements for disinfection by-products; 10 CSR 60-4.090; 7/16/18, 1/2/19
maximum radionuclide containment levels and monitoring requirements; 10 CSR 60-4.060; 7/16/18, 1/2/19
maximum turbidity levels and monitoring requirements and filter backwash recycling; 10 CSR 60-4.050; 7/16/18, 1/2/19
maximum volatile organic chemical contaminant levels and monitoring requirements; 10 CSR 60-4.100; 7/16/18, 1/2/19
operational monitoring; 10 CSR 60-4.080; 7/16/18, 1/2/19
prevention of backflow; 10 CSR 60-11.010; 7/16/18, 1/2/19
public notification of conditions affecting a public water supply; 10 CSR 60-8.010; 7/16/18, 1/2/19
reporting requirements; 10 CSR 60-7.010; 7/16/18, 1/2/19
requirements for maintaining public water system records; 10 CSR 60-9.010; 7/16/18, 1/2/19
revised total coliform rule; 10 CSR 60-4.022; 7/16/18, 1/2/19
state loan program; 10 CSR 60-13.025; 7/16/18, 1/2/19
source water monitoring and enhanced treatment requirements; 10 CSR 60-4.052; 7/16/18, 1/2/19
technical, managerial, and financial capacity; 10 CSR 60-3.030; 7/16/18, 1/2/19
waivers from baseline monitoring requirements; 10 CSR 60-6.060; 7/16/18, 1/2/19

PUBLIC SAFETY, DEPARTMENT OF
adjutant general

definitions (state emergency management agency); 11 CSR 10-11.050; 4/1/19
emergency operations plan (state); 11 CSR 10-11.010; 4/1/19
emergency operations plan (state); 11 CSR 10-11.020; 4/1/19
limitations (state emergency management agency); 11 CSR 10-11.110; 4/1/19

major disasters, presidentially declared; 11 CSR 10-11.100; 4/1/19

missouri disaster fund; 11 CSR 10-11.040; 4/1/19

political subdivision assistance; 11 CSR 10-11.070; 4/1/19

procedures for submitting requests; 11 CSR 10-11.090; 4/1/19

volunteer inspectors administrative plan (state); 11 CSR 10-11.120; 4/1/19

missouri gaming commission

additional application information for bingo and pull-tab licenses; 11 CSR 45-30.090; 7/1/19

advertising; 11 CSR 45-30.020; 12/3/18, 5/1/19

application and verification procedures for granting credit; 11 CSR 45-8.140; 6/3/19

audits; 11 CSR 45-40.100; 6/3/19

commission approval of procedures; 11 CSR 45-40.030; 12/3/18, 5/1/19

deposit account — taxes and fees; 11 CSR 45-11.020; 7/1/19

excursion liquor license and definitions; 11 CSR 45-12.020; 6/3/19

hours of operation; 11 CSR 45-12.080; 6/3/19

integrity of electronic gaming devices; 11 CSR 45-5.210; 6/3/19

member(s) in charge; 11 CSR 45-30.130; 7/1/19

minimum internal control standards (MICS)—Chapter B; 11 CSR 45-9.102; 12/3/18, 5/1/19

minimum internal control standards (MICS)—Chapter E; 11 CSR 45-9.105; 6/3/19

minimum internal control standards (MICS)—Chapter F; 11 CSR 45-9.106; 12/3/18, 5/1/19

minimum internal control standards (MICS)—Chapter I; 11 CSR 45-9.109; 12/3/18, 5/1/19

minimum internal control standards (MICS)—Chapter P; 11 CSR 45-9.116; 12/3/18, 5/1/19

minimum internal control standards (MICS)—Chapter Q; 11 CSR 45-9.117; 12/3/18, 5/1/19

minimum standards for electronic gaming devices; 11 CSR 45-5.190; 6/3/19

nongambling hours; 11 CSR 45-7.130; 12/3/18, 5/1/19

occupational license; 11 CSR 45-4.420; 12/3/18, 5/1/19

progressive slot machines; 11 CSR 45-5.200; 6/3/19

refund — claim for refund; 11 CSR 45-11.110; 7/1/19

shipping of electronic gaming devices, gaming equipment or supplies; 11 CSR 45-5.237; 6/3/19

missouri state highway patrol

aids to navigation and regulatory markers; 11 CSR 50-3.010; 3/15/19, 7/1/19

autocycle inspection; 11 CSR 50-2.335; 2/15/19, 6/17/19

definitions; 11 CSR 50-2.010; 2/15/19, 6/17/19

display of expiration (renewal) sticker; 11 CSR 50-7.020; 3/15/19, 7/1/19

display of identification number; 11 CSR 50-7.010; 3/15/19, 7/1/19

diver's flag; 11 CSR 50-5.010; 3/15/19, 7/1/19

inspection station classification; 11 CSR 50-2.030; 2/15/19, 6/17/19

issuance of inspection stickers and decals; 11 CSR 50-2.110; 2/15/19, 6/17/19

mandatory boater safety education program; 11 CSR 50-4.010; 3/15/19, 7/1/19

requisition of inspection stickers, authorities, and decals; 11 CSR 50-2.100; 2/15/19, 6/17/19

ski mirror; 11 CSR 50-6.010; 3/15/19, 7/1/19

missouri state water patrol

aids to navigation and regulatory markers; 11 CSR 80-5.010; 3/15/19

display of expiration (renewal) sticker; 11 CSR 80-7.010; 3/15/19

display of identification number; 11 CSR 80-4.010; 3/15/19

diver's flag; 11 CSR 80-2.010; 3/15/19

mandatory boater safety education program; 11 CSR 80-9.010; 3/15/19

organization and methods of operation; 11 CSR 80-1.010; 3/15/19, 7/1/19

reporting a cancellation or change in permit; 11 CSR 80-8.010; 3/15/19, 7/1/19

reporting requirements; 11 CSR 80-6.010; 3/15/19, 7/1/19

11 CSR 80-8.010; 3/15/19, 7/1/19

ski jump; 11 CSR 80-3.020; 3/15/19, 7/1/19

ski mirror; 11 CSR 80-3.010; 3/15/19

temporary nonresident rental vessel operator permits; 11 CSR 80-9.020; 3/15/19, 7/1/19

office of the director

appeals procedure and time limits for victims of crime act grant applications; 11 CSR 30-16.020; 2/1/17

approval of motor vehicle safety standard for child restraint system; 11 CSR 30-1.010; 4/1/19

definitions for the amber alert; 11 CSR 30-10.010; 4/1/19

higher education memorandums of understanding; 11 CSR 30-16.010; 4/1/19

organization and operations; 11 CSR 30-1.010; 4/1/19

peace officer standards and training program

peace officer standards and training commission fund; 11 CSR 75-16.010; 4/15/19

PUBLIC SERVICE COMMISSION

billing adjustments; 4 CSR 240-13.025; 12/17/18, 6/3/19

billing and payment standards; 4 CSR 240-13.020; 12/17/18, 6/3/19

cold weather maintenance of service: provision of residential heat-related utility service during cold weather; 4 CSR 240-13.055; 12/17/18, 6/3/19

commission complaint procedures; 4 CSR 240-13.070; 12/17/18, 6/3/19

complaints; 4 CSR 240-2.070; 12/17/18, 6/3/19

decommissioning trust funds; 4 CSR 240-20.070; 12/17/18, 6/3/19

definitions

4 CSR 240-2.010; 12/17/18, 6/3/19

4 CSR 240-13.015; 12/17/18, 6/3/19

deposits and guarantees of payment; 4 CSR 240-13.030; 12/17/18, 6/3/19

discontinuance of service; 4 CSR 240-13.050; 12/17/18, 6/3/19

electric utility renewable energy standard requirements; 4 CSR 240-20.100; 4/1/19

filing requirements for electric utility rate schedules; 4 CSR 240-3.145; 12/17/18, 6/3/19

4 CSR 240-20.105; 12/17/18, 6/3/19

filing requirements for gas utility general rate increase requests; 4 CSR 240-3.235; 1/2/19, 6/3/19

filing requirements for gas utility rate schedules; 4 CSR 240-3.260; 1/2/19, 6/3/19

4 CSR 240-40.085; 1/2/19, 6/3/19

filing requirements for utility company applications for waivers or variances; 4 CSR 240-3.015; 12/17/18, 6/3/19

filing requirements regarding utility company name changes; 4 CSR 240-3.020; 12/17/18, 6/3/19

general definitions; 4 CSR 240-3.010; 12/17/18, 6/3/19

general provisions

4 CSR 240-13.010; 12/17/18, 6/3/19

income on depreciation fund investments; 4 CSR 240-10.020; 12/17/18, 6/3/19

minimum filing requirements for utility company general rate increase requests; 4 CSR 240-3.030; 12/17/18, 6/3/19

presiding officers; 4 CSR 240-2.120; 12/17/18, 6/3/19

safety standards-liquefied natural gas facilities; 4 CSR 240-40.033; 2/1/19, 6/17/19

service and billing practices for commercial and industrial customers of electric, gas, water and steam heat utilities; 4 CSR 240-10.040; 12/17/18, 6/3/19

submission of electric utility residential heat-related service cold weather report; 4 CSR 240-3.180; 12/17/18, 6/3/19
submission of gas utility residential heat-related service cold weather report; 4 CSR 240-3.250; 12/17/18, 6/3/19
submission of reports pertaining to the decommissioning of electric utility plants; 4 CSR 240-3.185; 12/17/18, 6/3/19
submission requirements for gas utility depreciation studies; 4 CSR 240-3.275; 1/2/19, 6/3/19
4 CSR 240-40.090; 1/2/19, 6/3/19
utility company tariff filings which create cases; 4 CSR 240-3.025; 12/17/18, 6/3/19
variance or waiver; 4 CSR 240-2.205; 12/17/18, 6/3/19

REAL ESTATE APPRAISERS

application, certificate and license fees; 20 CSR 2245-5.020; 1/2/19, 5/1/19
AQB 2018 licensure criteria; 20 CSR 2245-6.017; 3/15/19, 7/1/19
examination and education requirements; 20 CSR 2245-6.015; 3/15/19, 7/1/19

RETIREMENT SYSTEMS

application for retirement; 16 CSR 20-2.045; 6/17/19
collection of delinquent payments; 16 CSR 20-2.070; 6/17/19
determination of amount otherwise payable during deflation; 16 CSR 20-2.105; 6/17/19
general organization; 16 CSR 20-1.010; 6/17/19
lump-sum cash payout of retirement allowance; 16 CSR 20-2.056; 6/17/19
management of funds; 16 CSR 10-3.020; 2/15/19, 6/3/19
16 CSR 10-6.030; 2/15/19, 6/3/19
refunds; 16 CSR 20-2.040; 6/17/19
service retirement; 16 CSR 10-5.010; 2/15/19, 6/3/19
16 CSR 10-6.060; 2/15/19, 6/3/19

REVENUE, DEPARTMENT OF

employer's withholding tax; 12 CSR 10-2.015; 6/3/19
proof of state of domicile requirements for commercial driver license applicants; 12 CSR 10-24.405; 3/1/19, 7/1/19
state lottery
commission meetings; 12 CSR 40-10.040; 1/15/19, 5/15/19
effect of action and submission of evidence; 12 CSR 40-70.040; 1/15/19, 5/15/19
player agreement; 12 CSR 40-50.060; 1/15/19, 5/15/19
retailer contract provisions; 12 CSR 40-40.280; 1/15/19, 5/15/19

SAFE DRINKING WATER COMMISSION

applicability of corrosion control treatment steps to small, medium-size, and large water systems; 10 CSR 60-15.020; 4/15/19

SECRETARY OF STATE

application and payment procedures for appropriations or grants; 15 CSR 30-200.025; 3/15/19, 6/17/19
campaign contribution limits; 15 CSR 30-14.010; 5/1/19
general organization; 15 CSR 30-1.010; 5/1/19
local records; 15 CSR 30-45.020; 5/1/19
public access computers in public libraries; 15 CSR 30-200.030; 3/15/19, 6/17/19
state and federal grants-definitions; 15 CSR 30-200.010; 3/15/19, 6/17/19
state and other grants-in-aid; 15 CSR 30-200.020; 3/15/19, 6/17/19
state publications access program; 15 CSR 30-200.100; 3/15/19, 6/17/19
state records; 15 CSR 30-45.010; 5/1/19

STATE AUDITOR

calculation and revision of property tax rates by political subdivisions other than school districts; 15 CSR 40-3.125; 3/1/19, 6/17/19
calculation and revision of property tax rates by school districts; 15 CSR 40-3.125; 3/1/19, 6/17/19

SOCIAL SERVICES, DEPARTMENT OF

basis for licensure and licensing procedures; 13 CSR 35-73.012; 10/1/18, 3/1/19
13 CSR 40-73.012; 10/1/18, 3/1/19
diaper bank tax credit; 13 CSR 10-3.060; 3/1/19, 7/1/19
unmet health, hunger, and hygiene needs of children in school tax credit; 13 CSR 10-3.070; 3/1/19, 7/1/19

SOCIAL WORKERS, STATE COMMITTEE FOR

acceptable supervisors and supervisor responsibilities; 20 CSR 2263-2.031; 4/15/19
application for licensure as a social worker; 20 CSR 2263-2.050; 4/1/19
community-based diversionary programs; 13 CSR 110-7.010; 1/2/19, 5/1/19
complaint handling and disposition; 20 CSR 2263-1.025; 3/15/19, 7/1/19
confidentiality; 20 CSR 2263-3.100; 4/1/19
definitions; 20 CSR 2263-1.010; 3/15/19, 7/1/19
educational requirements for licensed social workers; 20 CSR 2263-2.020; 4/1/19
inactive status; 20 CSR 2263-2.090; 4/1/19
licensure by reciprocity; 20 CSR 2263-2.060; 4/1/19
policy for handling release of public records; 20 CSR 2263-1.016; 3/15/19, 7/1/19
registration of supervised social work experience; 20 CSR 2263-2.032; 4/1/19
renewal of license; 20 CSR 2263-2.075; 4/1/19
supervised licensed social work experience; 20 CSR 2263-2.030; 4/1/19

SOLID WASTE MANAGEMENT

coal combustion residuals surface impoundments; 10 CSR 80-12.010; 2/1/19
definitions; 10 CSR 80-2.010; 2/1/19
utility waste and coal combustion residuals landfills; 10 CSR 80-11.010; 2/1/19

TREASURER

reporting and delivery of property presumed abandoned; 15 CSR 50-3.070; 7/1/19
sale of abandoned property; 15 CSR 50-3.100; 7/1/19
unclaimed property — general considerations; 15 CSR 50-3.010; 7/1/19

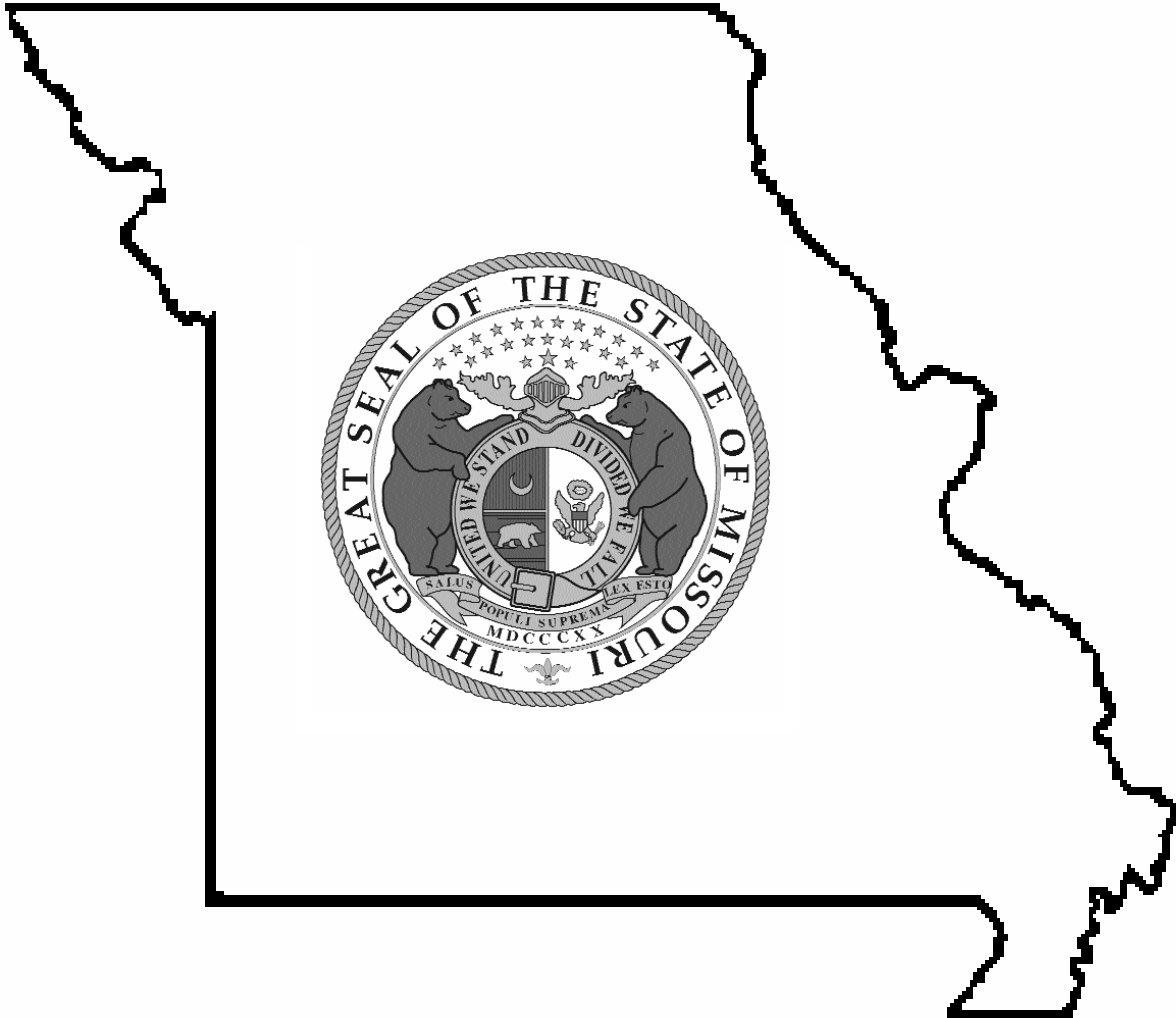
VETERINARY MEDICAL BOARD, MISSOURI

minimum standards for practice techniques; 20 CSR 2270-4.031; 5/1/19

YOUTH SERVICES, DIVISION OF

aftercare supervision; 13 CSR 110-3.030; 12/3/18, 5/1/19
annual fee; 13 CSR 40-110.040; 9/17/18
community-based diversionary programs; 13 CSR 110-7.010; 1/2/19, 5/1/19
division of youth services trust fund program; 13 CSR 110-8.010; 2/1/19, 6/17/19
division of youth services child benefits program; 13 CSR 110-8.020; 2/1/19, 6/17/19

MISSOURI STATE RULEMAKING MANUAL



JOHN R. ASHCROFT
SECRETARY OF STATE

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Periodical
Postage Paid at
Jefferson City,
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